



Environmental Protection Agency FY 2023 OMB Submission Over Target Request

September 13, 2021

Overview

The Environmental Protection Agency is submitting an Over Target request of \$1.031 billion as a complement to the base budget submission of \$10.661 billion. The total resource level of \$11.692 billion represents the funding the EPA needs in FY 2023 to meet the challenges and ambitious goals set for the agency by the Administration's priorities and Executive Orders and should be considered as one combined request. To ensure all communities can realize the benefits of clean and safe air, water, and land and safer chemicals, the Over Target request enhances the agency's role in making a meaningful difference for communities in their on-the-groundwork in addressing the challenges of climate change and environmental justice.

The Over Target request consists of 31 activities structured into five focus areas to advance Administration and agency priorities, with an emphasis on innovative programs that drive community-scale results.

- \$328.4 million with 328.5 FTE in Support for Communities to Tackle the Climate Crisis and Advance Environmental Justice to target technical and financial assistance and FTE on the ground to better serve and reach communities across environmental media and statutes;
- \$53 million with 145 FTE for Building Equity Across the EPA's Mission to center diversity, equity, and inclusion in EPA programs and decisions;
- \$217.7 million with 10 FTE in Support for State and Tribal Partners to continue to restore capacity after a decade of minimal growth in the categorical grants;
- \$341.6 million with 597 FTE for Building the EPA Back Better to position the Agency to have the capacity to meet future challenges and workloads; and
- \$90.3 million for the Superfund Remedial program to increase pace of remedial work by partially restoring the offset in the base budget.

These investments prioritize support for communities, either directly on the ground or indirectly through the development and application of new tools and information. The Over Target request includes more than 1,000 additional FTE, with approximately half allocated to the regions to facilitate direct engagement with partners and community organizations and networks. The Over Target request

supports building back core capacity at the agency, which has been reduced over the last decade. For example, in FY 2011 EPA operating programs totaled \$4.77 billion and in FY 2021 actually decreased to \$4.68 billion. After accounting for inflation, this results in an estimated loss of more than \$500 million in purchasing power across EPA programs. The FY 2022 President’s Budget made substantial initial strides in restoring capacity, and the Over Target request continues to make key investments in additional areas of need to meet Administration and statutory requirements. EPA must build back better to deliver across the Agency’s considerable set of statutory programs. In developing these requests, the priority is to not simply look to restore programs to earlier levels but to support new approaches to better position the Agency to meet the environmental problems of the future.

The Over Target request also includes \$90 million to partially restore the reduction in the base from the Superfund Remedial program. This reduction in funds was taken in order to meet the OMB target and support increased costs for the workforce. The Superfund Remedial program remains important to communities; therefore, EPA is requesting that available funds be allocated towards restoration to FY 2022 levels. Further, EPA requests consideration to restore the reduction to the State Revolving Funds as funds become available.

Below are executive overviews of each focus area, followed by detailed requests and justifications for each individual activity and a summary table with budget details. Note that numbers in text descriptions may be rounded and performance information is draft until the FY 2022-2026 Strategic Plan is finalized.

Focus Area Executive Summaries

Support for Communities to Tackle the Climate Crisis and Advance Environmental Justice

(\$328.4 M total with 328.5 FTE)

The EPA must provide support for communities to tackle environmental problems in a sustainable and equitable manner. Now, more than ever, these environmental issues are being driven by the climate crisis and are disproportionately affecting marginalized communities. The focus area Support for Communities to Tackle the Climate Crisis and Advance Environmental Justice incorporates eight activities across eight different offices, representing a whole of EPA approach to community support. This Over Target request consists of over \$328 million and 328 FTE to help communities, especially those with environmental justice concerns, better identify and respond to the environmental risks of climate change that directly affect them and their quality of life.

Climate and EJ

As part of this investment, the EPA will fund new competitive grant programs at the state, local and Tribal level to support projects and policies that reduce greenhouse gas (GHG) emissions, create jobs, and promote economic recovery in environmental justice communities. The Agency will strive to develop decision-support tools and technical assistance to improve decision-making related to climate change, and to strengthen the adaptive capacity of states, tribes, and local governments by advancing grants and technical assistance.

Wildfires

A critical issue is the persistent threat of wildfires, particularly in the West, which has wide ranging environmental and health impacts. The Over Target request includes a proposal to coordinate with the U.S. Forest Service and other federal, state, and community agencies and organizations on reducing the public health risk from air pollution before and during a wildfire, including enhancing the EPA's abilities to forecast where smoke will impact people, as well as communicating when and where smoke events will occur so communities can be Smoke Ready.

Water Workforce

The growing shortage of qualified workers in the water industry is a national issue that impacts communities of all sizes according to the Environmental Council of States. The EPA can help to address this need by developing programs that help to attract a diverse group of students and workers, with a particular focus on women and minorities, and to prepare them for rewarding water workforce careers. These efforts also will enable tribes to successfully recruit, train and grow their skilled water workforces.

Serving Communities

Communities across the nation work in partnership with the EPA to address their most pressing issues. This request provides targeted funding to advance efforts in key areas.

- Addressing the risks associated with Polychlorinated Biphenyls (PCBs) exposure is a nationwide issue. Additional FTE and resources in the Over Target request would provide greater capacity to evaluate, identify, and implement actions to reduce known risks to workers, children, and communities, with an emphasis on environmental justice.

- Fenceline communities face a higher risk from pollution due to their proximity to high-polluting facilities. The Over Target request will advance protection of these communities by increasing inspections and compliance assistance to ensure nearby facilities are adhering to regulations designed to protect vulnerable populations, as well as creating and expanding programs to further environmental protections and increase monitoring capability.
- The request includes resources targeted to address indoor air quality gaps by tackling three high priority public health challenges posed by poor indoor air quality: reducing asthma disparities, ensuring healthy school facilities in low-income communities, and improving public health through clean cookstoves.
- The EPA proposes a coordinated investment in community assistance that will connect localities and tribes with the resources and technical guidance they need to address water equity, financial, infrastructure, or worker safety challenges, among others.

Building Equity Across the EPA's Mission

(\$53 M total with 145.0 FTE)

The goal of this focus area is to integrate equity and diversity across the EPA with dedicated funding and to implement OMB directives to advance equity in the budget. The combined investment of \$53 million and 145 FTE includes headquarters and regional FTE, grants, and resources to make progress in agency and Administration priorities of environmental justice and building a diverse and inclusive workforce. The four activities in this area are support for Advancing Cumulative Risk and Methodologies, supporting a more robust external Civil Rights Compliance Office, implementing the new Environmental Justice National Program Manager, and enhancing Diversity, Equity, Inclusion, and Accessibility to meet requirements of Executive Order 14035. These activities support the Agency's commitment to upholding and promoting the values of diversity, equity, and inclusion at the EPA and throughout our work.

Advancing Cumulative Risk and Methodologies

The proposal for Advancing Cumulative Risk and Methodologies is a cross-agency initiative that will lead to an increased understanding of the effect of cumulative impacts of environmental stressors in communities and the development of effective solutions across communities and localities to diminish those impacts. This work will advance the EPA's social science capability and the coordination with other partners to increase community resilience. The requested funding will support the hiring of scientists from multiple social science disciplines, contract support for additional research on cumulative impacts, increased support for grants to address critical areas related to cumulative impacts, and the development of place-based designs required to increase social science support to the Agency's regions.

Strengthening Civil Rights

Funding for the External Civil Rights Compliance Office activity will allow the Agency to continue to enforce laws that protect programs and activities that receive federal support from the EPA. This work will further promote the agency's mission on the integration of justice, equity, and civil rights to achieve measurable environmental, public health, and quality of life improvements in the most overburdened, vulnerable, and underserved communities.

Support for the new Environmental Justice National Program

The FY 2023 OMB Submission includes the new Office of Environmental Justice National Program Manager in the budget structure. The funds requested in the Support for New Environmental Justice NPM activity provide needed support to administer and manage the new NPM across headquarters and regional offices. These resources will support management and staff to conduct regular reporting and tracking of community-driven efforts to evaluate the long-term impacts of their investments in guiding change for vulnerable and underserved communities.

Diversity, Equity, Inclusion, and Accessibility

The EPA's proposal for Diversity, Equity, and Inclusion will adopt an evidence-based and data-driven approach to determine whether and to what extent agency practices lead to inequitable employment outcomes, and if agency actions may overcome systemic societal and organizational barriers. This work will support the EPAs proposed Cross-Agency Strategy in Advancing the EPA's Organizational Excellence and Workforce Equity that endorses a diverse, equitable, and inclusive workplace to carrying out the Agency's mission to protect human health and the environment.

Building the EPA Back Better

(\$341.6 M total with 597.0 FTE)

Consistent with the Build Back Better agenda, the EPA identified investments needed to rebuild foundational capacity for work that is central to the Agency's mission. This focus area consists of 16 activities that invest in enhancing core program capacity, supporting workforce and administrative capacity, implementing statutory and regulatory requirements, and investing in core scientific research. These activities build on the base budget by addressing several of the President's Executive Orders and by adhering to the goals of the *2022-2026 Strategic Plan*, with attention to the urgency of climate change and decisive action on environmental justice across the Agency.

Core Program Capacity

Funding for the EPA's foundational, long-term programs has not kept pace with program changes and emerging challenges over the last decade. Additional funding in key areas would achieve significant long-term improvements in operations and core capacity to ensure the EPA has the support to meet a growing workload. These additional resources would support regulatory work on stationary source and mobile source pollution, Tribal programs, Brownfields project management, and other core programs. Resources provided for Grants and Contract Officers under this investment will directly support contract spending to socially and economically disadvantaged businesses including Small Disadvantaged Businesses, Women-owned Small Businesses, HUBZone businesses, and Service-Disabled Veteran-Owned Small Businesses and federal grantees.

Supporting the Workforce and Increasing Administrative Capacity

The agency must implement new hiring and recruitment pipelines to provide more opportunities for a broader pool of potential employees and position the agency to retain and build a diverse workforce over the years ahead. The EPA requests more investment in training and retention for new employees, with emphasis on providing equitable opportunity. A new paid internship program will make it possible for a broader set of candidates to apply for those positions at the EPA and a new Senior Executive Service Candidate program would promote diversity in the EPA's higher ranks by creating an immersive training and leadership experience. Lastly, the workforce and agency programs rely on financial systems and the

grants management line of business to carry out their work and the budget continues to invest in modernizing and strengthening these core functions.

Implementing Statutory and Regulatory Requirements

The Over Target includes resources to implement priority requirements and programs across a number of programs. The EPA is requesting an increase in funding and FTE to support enforcement and compliance inspections adhering to Clean Air Act requirements for motor vehicles, engines and fuels, Chemical Accident Prevention, Wood heaters and stratospheric ozone; Clean Water Act requirements for preventing and addressing oil spills and spills of hazardous substances, Wetlands Protection and Biosolids Use and Disposal; Toxic Substance Control Act requirements for new and existing chemicals, Lead Based Paint and PCBs; Federal Insecticide, Fungicide, and Rodenticide Act requirements for pesticide registration; and Emergency Planning and Community Right to Know Act requirements for emergency planning and for Toxics Release Inventory reporting. The Agency also is requesting resources to fulfill legal obligations in line with the American Innovation in Manufacturing Act, including funding required for rulemakings, collaborative enforcement, and compliance assurance efforts to implement the next phasedown stages for hydrofluorocarbons. Additional investment in the EPA's cybersecurity would contribute to the EPA's fulfillment of Federal Information Security Modernization Act requirements and Executive Order 14028: Improving the Nation's Cybersecurity.

Investing in Core Scientific Research

Science is the backbone of EPA's programmatic work. Targeted investments in the EPA's research capability will have broad benefits to the agency and communities. Examples of these benefits include enhanced support for priority regulatory actions, reduced animal testing, better communication with communities affected by contaminated sites or pollution, assistance in considering the impacts of climate change in water infrastructure planning, faster sharing of scientific information for localities during emergencies, and support for cleanup work at Superfund sites on the National Priority List. Much of the EPA's equipment in the regional labs that serve state and Tribal partners is at or past its useful life and in need of replacement, and the Over Target supports dedicated funds to replace and upgrade scientific equipment. Finally, the Scientific Advisory Board Staff Office (SABSO) needs to be funded appropriately to support the Agency in meeting core statutory deadlines and meeting requirements for scientific peer reviews.

Support for State and Tribal Partners

(\$217.7 M total with 10 FTE)

The Over Target includes increased investments in our partners across the states, tribes, localities, and communities so they are better positioned to achieve progress on the ground. This focus area consists of two main activities that directly engage and support our partners: Categorical Grants and Support for Action on PFAS.

Categorical Grants

A total increase of \$200 million in state and Tribal grants will build on the base budget and provide additional resources to allow states and tribes to increase efforts in key areas.

- An increase to state, local, and Tribal air quality management grants provides necessary funding for immediate on-the-ground efforts to support air quality standards authorized by the Clean Air Act.
- Additional funding for lead grants will provide our partners with resources to run programs that develop and implement authorized lead-based paint abatement programs, authorized Renovation,

Repair, and Painting (RRP) programs, and lead-poisoning programs. Funds also will modernize EPA's 15-year-old FLPP Database to reduce burden and increase efficiency and effectiveness.

- Increased funding in the EPA's Pesticides Grants will enable states to focus on worker safety activities, vulnerable and limited English language speaking communities, and increasing grant presence in US territories and tribes. Toxic Substance Compliance grants will target asbestos, lead-based paint, and PCB grants with existing grantees in order to more thoroughly rid communities of these toxins.
- Increased funding for Pollution Prevention grants would provide support for a reduction of toxics releases in underserved communities and provide technical assistance to businesses to increase access to safer chemical products meeting the EPA's Safer Choice Standard.
- Increased funding of \$25 million for the Tribal General Assistance Program (GAP) will begin to address the clear need across the hundreds of federally recognized tribes for capacity building. This additional funding would better enable Tribal governments to employ self-governance in assessing local environmental conditions, developing long-range strategic plans, and establishing sustainable environmental programs in Indian country.
- An additional \$28 million for the Hazardous Waste Financial Assistance Grants will minimize waste generation and prevent its release into communities.
- Additional funds in the Environmental Information Grants will establish a set-aside of \$5.4 million to focus on Tribal and territorial grantees to build capacity with funding assistance, training, and mentoring.
- The increased funding in categorical grants supporting core water programs will enhance the efforts of states and tribes to understand and mitigate climate change and support equity and environmental justice. This includes \$10 million for Nonpoint Source grants to help communities manage runoff which is a significant source of water pollution driving impairment determinations under the Clean Water Act, \$15.4 million for Pollution Control grants for point sources of water effluents, \$53 million for Public Water System Supervision grants to assist states and localities with complying with the Safe Drinking Water Act, and \$3 million for Wetlands Program Development grants to restore and protect watersheds.

Support for Action on PFAS

PFAS is an urgent public health and environmental threat facing communities across the United States, contaminating our Nation's surface and groundwater, soil, and air. Adverse health effects connected to PFAS disproportionately impact communities of color, low-income communities, and vulnerable populations, including pregnant women, children, and the elderly. The Over Target request contains funds that would allow the Agency to more heavily invest in PFAS research, enforcement, and cleanup. Funding will add to existing work and support PFAS cleanup in communities, providing them with alternative water supplies while sites are being cleaned. Additionally, it would result in strengthened PFAS monitoring under the Unregulated Contaminant Monitoring Rule, increased investigations and civil enforcement and accelerating the pace of relevant research.

Superfund Remedial Program - Partial Offset Restoration

((\$90.3 M total))

This program was reduced in the base budget to reach OMB's target for the EPA, while acknowledging the possibility for investment in the Bipartisan Infrastructure Bill for additional funding. If additional funds are available, the EPA seeks full restoration of all reductions in the base budget back to the FY 2022 President's Budget Level. The Superfund Remedial Offset Partial Restoration supports the Agency's goals to protect communities adversely affected by hazardous waste contamination, including lead contaminated in soils, while also strengthening economic recovery through reuse of restored properties. This investment of \$90.3 million will allow the EPA to begin approximately 5-10 new remedial construction projects and continue crucial pre-construction work including site characterization, construction design, and community outreach activities.

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Focus Area: Support for Communities to Tackle the Climate Crisis and Advance Environmental Justice

(Total: \$328.4 M, with 328.5 FTE)

The goal of this set of investments is to get “boots on the ground” and to provide assistance and support to communities to clean up the legacy pollution that marginalized communities have suffered with for far too long. The EPA recognizes that tackling the climate crisis and advancing environmental justice goal must incorporate a whole-of-government approach, and actively engage with communities on the ground to make progress. Today there is a historic opportunity to make our communities more resilient to climate impacts, create good paying jobs, and advance environmental justice.

1. Climate and Environmental Justice Grants (\$50 M non-pay and 10 FTE), Lead: OAR

This proposal would fund new competitive grant programs in three priority areas:

1. local and tribal heat island mitigation projects.
2. state-level action on climate and criteria pollutants, and
3. local and tribal GHG mitigation projects in frontline communities

This proposal would advance work related to President Biden’s Executive Orders on Tackling the Climate Crisis at Home and Abroad (E.O. 14008) and on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (EO 13985). In addition, activities under this proposal could directly support President Biden’s Justice40 initiative with the proper selection criteria.

These grants would support projects and policies that drive down greenhouse gas (GHG) emissions, create jobs, and promote economic recovery in environmental justice communities.

FY 2023 Activities include-

- Establish a Cool and Healthy Communities Climate Justice Program to fund heat island mitigation projects in communities and help residents adapt to and survive heat emergencies. These projects would make direct, on-the-ground improvements in communities, including increasing tree and vegetative cover, installing green roofs, installing cool (reflective) roofs, using cool or permeable pavements, improving the efficiency and weatherization of buildings, and using smart growth development strategies.
- Establish a Local and Tribal Climate Justice Program and a State Climate Justice Program to fund GHG mitigation projects or programs that demonstrate significant reductions in other air pollutants regulated by the Clean Air Act. These multipollutant projects would need to demonstrate measurable emissions reductions (e.g., energy efficiency, renewables, electrification, and transportation strategies). Selection criteria for local and tribal applicants would emphasize projects that support decarbonization goals by investing in clean energy projects in underserved communities/populations;

build capacity to address issues related to climate justice; fill gaps in existing federal funding; and can be replicated by other communities.

This program would combine financial support for climate demonstration projects with technical assistance to build local and tribal capacity, establish peer networks, and encourage replication of best practices. EPA could launch the grant program within 6 to 9 months after funds are available. It would take an additional 6 months to award funds once applicants have submitted applications. Projects would take 1 to 3 years to complete after award.

EPA expects to award grants and provide technical assistance to local, tribal, and state governments, as well as other appropriate community organizations. Example projects might include residential, commercial, and municipal energy efficiency retrofit programs, vehicle fleet improvements, transit and bikeshare programs, solar job training and installations, recycling and food composting initiatives, and land use management. An evaluation of a similar but smaller grant program, the Climate Showcase Communities, conservatively estimated annual cost savings of almost \$20 million; direct annual GHG emissions reductions of 190,000 metric tons CO₂ equivalent; and substantial ancillary environmental benefits (e.g., annual reductions of nearly 500,000 lbs of criteria air pollutants and 1 billion gallons water use).

The GHG reduction projects supported by this proposal typically result in reductions of other air and water pollutants, reducing the cumulative impacts of environmental pollution.

Without these resources, there could be a negative impact on EPA's ability to deliver on Executive Order 14008 and the U.S.'s Nationally Determined Contribution to the UNFCCC. In addition, EPA would need additional time to review current grant authorities to ensure EPA can administer these grants as described in the proposal. Should the over target request be accepted, EPA would draft needed accompanying authorizing language, if any is needed after the Office of General Counsel's review.

2. Support for Climate Adaptation and Resiliency (\$77 M non-pay and 81 FTE), Lead: OA

The impacts of climate change are affecting people in every region of the country, threatening lives and livelihoods and damaging infrastructure, ecosystems, and social systems in communities across the nation. Global annual average surface air temperature has increased by about 1.8°F (1.0°C) over the last 115 years (1901–2016). This period is now the warmest in the history of modern civilization. The last few years have also seen record-breaking, climate-related weather extremes (See [National Climate Assessment](#)); increasing droughts, flooding, and wildfire; increasing surface, atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor. Certain communities and individuals are particularly vulnerable to these impacts, including low-income communities and communities of color, children, the elderly, tribes, and indigenous people. Climate change is also exacerbating existing pollution problems and environmental stressors.

All these impacts challenge the U.S. Environmental Protection Agency's (EPA's) ability to accomplish its mission of protecting human health and the environment. Administrator Michael Regan signed a new Policy Statement on Climate Change Adaptation in May 2021, directing the Agency to proactively incorporate climate adaptation planning into the agency's programs, policies, rules, and operations, while also working to reduce greenhouse gas (GHG) emissions.

Executive Order (EO) 14008, *Tackling the Climate Crisis at Home and Abroad*, issued by President Biden in January 2021, calls for the development of a Climate Adaptation Action Plan by every federal department and agency. As directed in the EO, EPA's plan contains five agencywide Priority Actions designed to advance the agency's work on climate adaptation. The Priority Actions presented in the 2021 *EPA Climate Adaptation Action Plan* are as follows:

1. Integrate climate adaptation into EPA programs, policies, rulemaking processes, and enforcement activities.
2. Consult and partner with states, tribes and indigenous communities, territories, environmental justice (EJ) organizations, community groups, businesses, and other federal agencies to strengthen adaptive capacity and increase the resilience of the nation, with a particular focus on advancing EJ.
3. Implement measures to protect the agency's workforce, facilities, critical infrastructure, supply chains and procurement processes from the risks posed by climate change.
4. Measure and evaluate performance.
5. Identify and address climate adaptation science needs.

The 2021 Climate Adaptation Action Plan will be followed by updates to the Climate Change Adaptation Implementation Plans produced in 2014 by EPA National and Regional Offices. Every office will update its Implementation Plan to report on its progress since 2014 and identify future actions to address the agencywide priorities identified in this Plan.

In addition, the funding will permit the Climate Adaptation program to develop decision-support tools and technical assistance to improve the effectiveness of decisions sensitive to climate change and related EJ considerations. These tools will empower EPA staff and their partners to consider climate, as well as changes in social and economic conditions that are influenced by climate change, and to identify strategies that will yield co-benefits. Such co-benefits include reductions in GHGs and other pollutants, improved public health, economic growth, job creation, enhanced national security, and EJ benefits that will be central to building a more resilient future.

The funding will also allow the Climate Adaptation program to strengthen the adaptive capacity of states, tribes, territories, local governments, communities, and businesses, with a particular focus on advancing EJ, by significantly increasing EPA grants and technical assistance to (1) develop or update their climate resilience/adaptation plans and/or (2) implement an action to anticipate, prepare for, and adapt to climate change. The agency's partners share responsibility for protecting human health and the environment, and partnerships with EPA are at the heart of the nation's environmental protection system.

This over-target proposal, led by the Office of Policy (OP) and supporting all EPA programs and regions, has been identified as a high priority objective in EPA's 2022-2026 Strategic Plan and will support increased resilience of EPA's programs, increase the capacity of communities, tribes, and territories to adapt as disruptive climate impacts increase.

This proposal is for critical staff and funds in FY 2023 to enable EPA to deliver targeted assistance to increase the agency's and the nation's resilience to climate change impacts. As part of a whole-of-government approach, EPA will directly support federal partners, states, tribes and indigenous communities, territories, local governments, EJ organizations, community groups, and businesses, with a particular focus on advancing EJ, as they anticipate, prepare for, adapt to, and recover from the devastating impacts of climate change. It leverages existing federal partnerships on adaptation and resilience planning such as those EPA has with FEMA, HUD, BIA, and DOT while enhancing EPA funding and community technical assistance capabilities to include climate resilience. This support will also help us staff EPA Administrator and Deputy Administrator on recently launched and ongoing interagency workgroups on climate change, extreme heat, coastal resilience and more. The proposal also ensures EPA's other mission critical work is prepared for and adaptive to climate change by providing staffing, scientific expertise, and implementation funding to ensure EPA's environmental investments and remedies are resilient to climate change. The work will be led by the Office of Policy (OP) in partnership with all EPA program and regional offices.

The FY 2023 request to support and advance climate adaptation and resiliency is 81 FTE and \$77 M non-pay. The resources will be distributed between the Office of Policy and Program Offices (31 FTE and \$27 M) and regional offices (50 FTE and \$50 M) to:

1. Integrate climate adaptation into EPA programs, policies, rulemaking processes, enforcement and compliance assurance activities, and operations; and
2. strengthen the adaptive capacity and increasing the resilience of the nation by assisting states, tribes and indigenous communities, territories, local governments, community and EJ organizations, and other partners to anticipate, prepare for, adapt to, and recover from the impacts of climate change.

These new resources will establish EPA's Climate Adaptation Program in OP, that will lead and oversee agencywide activities on climate adaptation. Program Offices will integrate climate adaptation planning into programs, policies, rules, permitting, NEPA reviews, and operations. Regional offices will leverage their unique relationships with states, tribes, territories, and communities to develop and expand climate adaptation, community capacity building efforts, mitigation, resilience, and disaster preparedness programs, especially in communities with EJ concerns.

All work will align with EO 14008, EPA's 2021 Policy Statement on Climate Change Adaptation, EPA's 2022-2026 Strategic Plan, Long-term and Annual Performance Goals, EPA's 2021 Climate Adaptation Action Plan, and Program and Regional Climate Change Adaptation Implementation Plans.

Specific outcomes will include:

1. Building a comprehensive Climate Adaptation Program to support: (a) the Administration's whole-of-government approach to address the climate crisis, (b) EPA's 2022-2026 Strategic Plan, and (c) EPA's five Climate Adaptation Action Plan goals.
2. Transforming the way the agency fulfills its core mission of protecting human health and the environment in a world in which the climate is changing by implementing 19 Climate Adaptation Action Plans representing all EPA program and regional offices.
3. Enhancing the climate literacy of all 14,000+ EPA staff and state, local, tribal, and community partners to equip them with an understanding of projected climate-related changes and how to use climate adaptation tools to incorporate climate adaptation into planning and decision making.
4. Establishing an Adaptation Grants and Technical Assistance Program to support climate adaptation planning and implementation by between 500 and 2,000 states, tribes, and small- to medium-size underserved and vulnerable communities per year.¹
5. Engaging key national organizations and regional partnerships to deploy EPA resources and develop shared action agendas.

EPA has identified Climate Adaptation as a high priority in its draft 2022-2026 Strategic Plan under Objective 1.2 Accelerate Resilience and Adaptation to Climate Change Impacts. There are three draft Long Term Performance Goals (LTPGs) and associated draft Annual Performance Goals to measure progress.

Climate Adaptation Priority 1: Integrate climate adaptation into EPA programs, policies, rulemaking processes, and enforcement and compliance assurance activities.

LTPG: By September 30, 2026, 100% of actions in EPA's Climate Adaptation Action Plan and the 19 Program and Regional Implementation Plans are implemented to ensure all EPA programs, policies, rules, and decision-making account for the impacts of the changing climate on human health and the environment.

Climate Adaptation Priority 2: Consult and partner with states, tribes, territories, local governments, EJ organizations, community groups, businesses, and other federal agencies to strengthen adaptive capacity and increase the resilience of the nation, with a particular focus on advancing EJ.

LTPG: By September 30, 2026, EPA will strengthen the adaptive capacity and increase the resilience of the nation by increasing by 25% per year the number of states, territories, local governments, EJ communities, and other partners EPA has assisted to implement an action to anticipate, prepare for, adapt to, and recover from the impacts of climate change from a baseline of X to Y.

¹ It is intended that the \$50,000,000 request for the Regional Offices will fund grants and technical assistance. If one assumes a range for the average cost of a grant or technical assistance is between \$25,000 and \$100,000, then we would serve between 500 and 2000 communities.

LTPG: By September 30, 2026, EPA will support all 574 federally recognized tribes to implement an action to anticipate, prepare for and adapt to, and recover from the impacts of climate change from a baseline of X to Y.

Significant investments are needed to ensure EPA can meet its mission even as the climate changes and to empower all 40,000 communities across the nation and all 574 tribes to anticipate, prepare for, adapt to, and recover from the devastating risks of climate change.

EPA can only make limited progress on the LTPGs and the annual performance goals without the requested Over Target FTE and budget. This limitation is also reflected in the “Resource Implications” discussion for each of the five Priority Actions in *EPA’s 2021 Climate Adaptation Action Plan*.

Climate Adaptation work is currently funded by the Integrated Environmental Strategies Program Project. With these additional resources, it may be necessary to create a new Climate Adaptation and Community Resilience Program Project for ease of managing and tracking.

3. Wildfire Prevention and Readiness (\$10 M non-pay and 15.7 FTE), Lead: OAR and ORD

Wildfire smoke impacts air pollution, climate change and environmental justice. Wildfire smoke can vary from year to year, but generally, it makes up approximately 30% of total PM2.5 emissions, in the U.S., aggravating heart and lung disease and causing premature death. Wildfire smoke is projected to get worse as the climate continues to change. Through this initiative, EPA will improve its work together with the U.S. Forest Service and other federal, state and community agencies and organizations on ways the public can reduce their health risk from air pollution before and during a wildfire.

This proposal would:

- Enhance EPA’s abilities to forecast where smoke will impact people;
- Identify and communicate when and where smoke events are occurring through monitoring and AirNow’s Fire and Smoke Map;
- Build local capacity to be Smoke Ready so exposure to smoke is reduced; and
- Strengthen internal as well as state, local and tribal capacity to better coordinate and communicate information on wildfire smoke and address related regulatory activities.

Vulnerable populations and low-income people are least able to avoid smoke exposure and therefore are most impacted by smoke events in that they may have limited ability to leave a smoke-impacted area; may not have air conditioning or other ability to create clean air spaces, including purchasing air cleaners or other protective masks or equipment; and may have underlying health conditions that make them more susceptible to smoke.

The American Rescue Plan (ARP) funds enhanced community-oriented monitoring. This proposal provides additional funding for fire-oriented monitoring. In particular, the proposal funds temporary monitors that can be deployed during fire events to better measure and communicate about smoke impacts through existing mechanisms such as the highly visible and utilized AirNow Fire and Smoke map. The funds would also use mobile technology to

make data and health information more accessible to the public. ARP funding is also being used to develop and implement local strategies to create cleaner air and neighborhood cooling refuges for vulnerable communities. This proposal builds on these efforts by expanding ventilation and air filtration upgrades at schools, which can serve as community clean air shelters during fire events.

Through this initiative, EPA will improve its work together with the U.S. Forest Service and other federal, state and community agencies and organizations on ways the public can reduce their health risk from air pollution before and during a wildfire.

This proposal provides funds to state, local and tribal governments to establish or enhance forecasting programs which in turn support AirNow, thereby strengthening AirNow's ability to communicate air quality forecasts and provide information to the public before and during fires. The proposal also supports targeted modeling assessments to evaluate risk of hazardous emissions for specific scenarios of concern (e.g., fires in the wildland-urban interface). The public needs better information to make decisions such as whether to evacuate, when it may be safe to return home under severe conditions, or whether to cancel sporting events. It would also establish new state, local, and tribal forecasting programs and move existing forecast programs from daily forecasts to shorter-term (such as hourly) forecasts, which provide real-time information to agencies and the public during fires.

The proposal would also improve air monitoring through the development, evaluation, and deployment of sensors or other temporary monitors to better measure and communicate smoke impacts. This includes funding for particulate matter (PM), ozone, carbon monoxide or other pollutant sensors and temporary monitors. This also includes funding for mobile air monitoring systems that can be rapidly deployed during wildfires to provide information to fire support personnel about air quality in areas directly adjacent to the fires, as well as in nearby communities. It would also fund development of methods to determine the quality of information from indoor sensors and their use in supporting school closure and related indoor-air related decisions.

This proposal would also establish a competitive grant program to provide resources to state, local and tribal air agencies – including communities with environmental justice concerns - to reduce exposure to smoke during wildfire events. Supported measures would include air filters, portable air cleaners, ventilation and air filtration upgrades in schools and other buildings used as shelters during fires.

The proposal would support enhanced technical assistance and communication efforts by, for example, developing a smokeready.gov webpage that could serve as a one-stop shop for access to wildfire and smoke data. It would also support training for EPA staff credentialed as Air Resource Advisors to be ready to deploy and support smoke monitoring and forecasting of wildfires under the Interagency Wildland Fire Air Quality Response Program, establishing the development of new guidance on wildfire resilient infrastructure, including consideration of climate impact, and new guidance on preventative actions in collaboration with other forest management agencies such as DOI and USDA.

Finally, the proposal would enable the provision of technical support to states to develop exceptional events demonstrations of regulatory significance for events such as wildfires, and for regional staff to process them.

Fire-related threats are rising, especially as droughts increase due to climate change and more people live in and around forests, grasslands, and other natural areas. Improving readiness for wildfire and smoke events addresses Strategic Plan Objective 1.2 - Accelerate Resilience and Adaptation to Climate Change Impacts; and Strategic Plan Objective 4.1 Improve Air Quality and Reduce Localized Pollution and Health Impacts.

4. Water Workforce Corps (\$30 M non-pay and 4 FTE) Lead: OW

Frontline workers at water and wastewater treatment utilities across the country are central to public health, environmental, and economic well-being in all communities, big and small. The water industry is facing a growing shortage of qualified workers due to an expected tsunami of retirements, substantial new investments in the nation's water infrastructure, and new technical and scientific skillsets required to operate and maintain these systems. Approximately 30% to 50% of water utility workers will be eligible for retirement in the next five to ten years. This is a real concern for communities around the country, and the gap in a skilled and ready water workforce presents significant operational risks to these drinking and wastewater utilities. In addition, investment in water infrastructure is a huge priority for the Biden-Harris Administration. The EPA FY 2022 President's budget request proposed an increase to several OW funding and financing programs, and the bipartisan infrastructure package that is actively being debated includes a major investment in water infrastructure to achieve important goals including eliminating all lead service lines and addressing emerging contaminants. Therefore, if huge investments are going to be made in our physical water infrastructure, then utilities and municipalities also need to invest in the outreach to and development and training of human infrastructure.

The water workforce also lacks diversity, and many communities have been left out of the important, rewarding, and family-supporting careers across the sector. It is imperative that we find ways to increase representation from women, and people of color, and tribes in this sector to create economic opportunity and embed equity considerations across underserved communities. Most jobs in this sector do not require college degrees, and apprenticeship and training programs can prepare people to have high-paying, meaningful professions that support the water sector and economic development in their communities.

The Office of Water's Next Gen Water Workforce proposal will expand the current comparatively small water workforce initiative to provide leadership and support to: (1) develop programs that help attract and prepare students and workers, with a focus on women and minorities, to rewarding water workforce careers and (2) better enable utilities, tribes, and the broader industry to successfully recruit, train and grow the skilled water workforce needed for 21st Century safe water and clean water solutions. The proposal includes support for federal, state, tribal and local water workforce activities, as well as key association and educational partners.

More specifically the Agency will build on our efforts to: (1) Develop a coordinated federal response and action plan to support the water workforce; (2) Collaborate with and support state, tribal, and local governments by identifying the top workforce priorities and implementing actions to address those priorities; (3) Expand targeted partnerships with industry associations and educational organizations like HBCUs, Hispanic institutions, and community colleges to help diversify the sector; (4) Use EPA's messaging and outreach to share with youth and other workers the opportunities and benefits of water careers in their communities; and (5) Support tribal, rural, and environmental justice community investments that will focus holistically on building and retaining a skilled workforce in, furthering equity and environmental justice while equipping communities to improve waters and help address climate change impacts.

For the American Water Infrastructure Act (AWIA) Innovative Water Infrastructure Workforce Development Grants, Congress appropriated FY 2020 STAG funds at \$1 million and FY 2021 STAG funds at \$3 million. The President's FY 2022 budget requests \$3 million. This over-target investment above the FY 2022 request level (\$26 million STAG, and \$4 million and 4 FTE EPM) allows broader support of communities and the advancement of Administration workforce priorities within the relatively broad flexibilities provided in the AWIA statute.

This investment supports the goals of the American Jobs Plan, the Executive Order on Advancing Racial Equity and Support for Underserved Communities through Federal Action, and the Office of Water's Action Plan to Strengthen the Nation-to-Nation Relationship to Secure a Sustainable Water Future in Indian Country.

EPA's existing Water Sector Workforce Initiative set a foundation for many partners to collaborate and take a wide range of actions to help address the critical need to ensure a trained and diverse water workforce to meet the challenges of the 21st century. With additional resources through this over-target request, EPA will fund innovative workforce development programs that will directly support communities and develop replicable best practices. OW will undertake various activities such as the following:

- (1) Expand and increase the funding for the AWIA Water Workforce Development Grants (initiated 2021) by \$26 million. This investment will provide additional funding to directly support water workforce programs and activities led by various non-profit organizations in support of community and tribal clean water and safe water workforce development needs. Providing this funding further promotes the direct connection to industry employers for a skilled and diverse workforce. Water and wastewater utilities provide a unique opportunity to offer high-quality careers and it is imperative to invest in a skilled and diverse workforce for the future. Based on the inaugural Workforce grant in FY 2021 as well as 2022 (which we expect will provide support to 10 non-profits), an additional \$26M in grant funding would allow EPA to support approximately 40 non-profits who will focus on community workforce development programs.
- (2) Develop additional Case Studies to highlight innovative ways in which water sector utilities are implementing workforce programs to help recruit, retain, and train workers

- to meet their particular needs as well as ways they are working with various community organizations to help ensure a more diverse workforce.
- (3) Collaborate with Federal agencies, such as the Veterans Administration and Department of Labor, through the Water Sub-cabinet and through interagency work on funding opportunities, such as DOL's Women in Apprenticeship and Nontraditional Occupations (WANTO) Grant.
 - (4) Develop water sector workforce competencies for cybersecurity to ensure secure and safe operations. Provide online operation and maintenance training for tribal, small, and rural operators and managing technical, management, and financial assistance grants and programs.
 - (5) Initiate dialogue with Tribal organizations regarding workforce needs. The Tribal water quality workforce is also central to the success of the nations' water quality and safe water efforts, working to protect and restore tribal water resources including drinking water and wastewater investments.
 - (6) Continue to work with various organizations under EPA's Decentralized Wastewater MOU Partnership (20 organizations strong) to develop materials to help bolsters decentralized wastewater career pathway in a wide range of occupations involved in the design, installation, operation, and maintenance of these onsite wastewater systems.
 - (7) Support university/community college centers in setting up decentralized training and technology resources for small rural and tribal communities that rely on on-site sanitation. Special focus will be on rural and environment justice communities.

5. Risk Evaluation of PCB Exposure at Regional Sites (\$1.6 M non-pay and 15 FTE), Lead: OCSPP

Polychlorinated Biphenyls (PCBs) are a nationwide problem and found in every region. TSCA requires regional PCB work that is key in evaluating a site for PCB exposures and reducing risks at that site. Regions do this by making site specific PCB "use" determinations, evaluating exposures, and providing recommendations and specialized technical support to address the risks associated with PCBs legally and illegally "in use." EPA's regional workload associated with managing PCBs found in manufactured products in buildings and other structures has skyrocketed in recent years as PCBs are discovered in more places.

Additional FTE and resources to address PCB risk evaluation in the regions would advance environmental justice efforts and mitigate some of the climate change impacts on underserved communities. Additional FTE will provide regions the capacity to evaluate risks posed by PCBs and identify and implement actions to reduce known risks. This workload is currently unfunded regional PCB work required by TSCA. These resources also will enable Regions to reduce risks and current exposures to workers, children, and communities with environmental justice (EJ) concerns in cities nationwide. Further, it will enable regional offices to work with sites and building owners, such as municipalities, to reduce costs by implementing practical interim measures while developing a plan to address PCB containing materials for the long-term.

These resources will enhance EPA's ability to better characterize the scope of PCB exposures nationwide. Human and environmental PCB exposures at sites may be severely underestimated and unknown in many cases because EPA has not had the capacity to perform this work. As part of strengthening this core PCB TSCA program, further work on quantifying the frequency of occurrence and magnitude of issues will inform the development of appropriate program measures.

This proposal requests 15 FTE located in regional offices and \$1.6 M in non-pay funding to support mandatory regional TSCA PCB work required by TSCA which is not delegable to states. Currently, OCSPP does not allocate FTE to implement the minimum that the statute requires and this request would provide the additional FTE and resources to do so. Extramural funds would be used to support FTE and fund Senior Environmental Employment (SEE) enrollees and/or contractors. These resources will:

- Advance environmental justice efforts: These resources will increase regional capacity to implement the TSCA PCB program which will enable regional offices to substantially reduce risks and current exposures to workers and children, particularly in communities with EJ concerns. Older buildings contaminated with PCB are more likely to be located in underserved communities. While PCBs are a challenge nationwide, communities with EJ concerns typically do not have the capacity to address the risks associated with PCB exposures, therefore prolonging exposures and risk to children and others in those communities. FTE are critical to address the significant risks from PCBs in buildings in communities with EJ concerns.
- Address Climate Change Impact: In addition, there may be increased risk of exposure to PCBs as aging buildings are damaged by fires, winds, and floods due to climate change.

PCBs were used extensively in building materials and numerous products from adhesives to paints from approximately the 1950s through the late 1970s. PCBs are estimated to have been used in 450,000 to 930,000 buildings in the United States constructed and/or renovated prior to 1978. As aging buildings become due for renovation/removal, PCBs are frequently identified at high levels in building materials and at levels of concern inside buildings in air and dust.

High profile problems have been identified at numerous schools around the country. For example, in 2020 in Burlington, Vermont, the public high school had PCB concentrations greater than 50 ppm with over 100,000 ppm identified in caulk in numerous buildings. Indoor air levels exceeded EPA's exposure levels for evaluating PCBs in indoor school air and Vermont's Department of Health PCB air screening level. The high school closed and relocated the students due to the \$7M to \$12M required to address the PCB issues. The school district announced it would build a new high school. The PCB contamination identified in the six school buildings of the Burlington high school complex and in adjacent soil still needs to be addressed despite the relocation. In June 2021, Vermont's legislature approved funding to test for PCBs in schools built or renovated before 1980 with testing for PCBs required in all schools on or before July 1, 2024. Currently, the state of Vermont is working on how to

implement this mandate and EPA is providing technical support. This is but one example of the widespread issue.

PCB building estimate references:

- 1) Surveys of current buildings show that between 27% and 54% of buildings have PCB containing caulk.²
- 2) Records indicate that approximately 1.723 million buildings were built in the United States between 1946 and 1979³

The current PCB regulations, published pursuant to the TSCA statute, can be found in Title 40 of the Code of Federal Regulations (CFR) in Part 761, therefore the authority for the program is ready and awaiting funding.

Successful implementation of a PCB TSCA program requires funding for regional FTE resources. The FTE is critically needed as the increased identification of PCBs in building materials occurs. If only extramural funding is provided, the PCB program will not be successful as regional offices have zero OCSPP FTE to implement this program.

The TSCA PCB program will need to be sustained long term as PCBs are Persistent Bioaccumulative and Toxic (PBTs) chemicals and are still present and will remain a threat to public health and the environment for years to come, although they were banned in 1979. This Over Target request level assumes that more states or entities do not mandate PCB testing similar to Vermont and that the number of sites with PCBs remains constant. If that is not the case, a much greater level of resources will be required for the regional offices to meet this obligation.

6. Increasing Protection of Fence Line Communities (\$3.5 M non-pay and 31 FTE), Leads: OECA, OLEM, ORD

This investment protects fenceline communities at risk from nearby oil and chemical facilities and underground storage tank releases who are vulnerable to environmental health hazards and climate risks at those facilities. Fenceline communities are often low-income and/or communities of color facing disproportionate risks from nearby oil and chemical facilities and an increased likelihood of being impacted by severe weather events caused by changing climate. This proposal directly supports the recent executive orders on addressing climate change and environmental justice issues by:

- Increasing inspections and compliance assistance to ensure facilities have measures in place to prevent oil discharges and chemical accidents, including those that result from extreme weather events (e.g., flooding);
- Protecting fenceline communities through increased outreach, compliance assistance, and enforcement at regulated facilities, thereby reducing risk to human health and the environment by decreasing the likelihood of oil discharges and chemical accidents;

²Review of PCBs in US Schools: A Brief History, Estimate of the Number of Impacted Schools, and an Approach for Evaluating Indoor Air Samples. Herrick, Robert F.; Stewart, James H.; Allen, Joseph G., 2017

³ <https://www.statista.com/statistics/936960/number-of-commercial-buildings-in-the-us-by-year-constructed/>

- Creating an E15 Underground Storage Tank (UST) equipment compatibility program to prevent releases from gas stations dispensing E15 blended fuel with incompatible equipment through inspections and compliance assistance; and
- Expand regional fenceline community monitoring by way of the Airborne Spectral Photometric Environmental Collection Technology (ASPECT) capability.

This investment supports:

- Risk Management Plan (RMP) and Spill Prevention, Control, and Countermeasure (SPCC): The nation has nearly 12,000 Risk Management Plan facilities and 540,000 oil program facilities presenting a large universe of risk to the nation of hazardous releases. EPA strives to prevent accidental releases to ensure the safety of facilities, protect surrounding communities, and minimize the need for emergency responses. Proactively targeting and inspecting high-risk facilities serves to ensure compliance with environmental regulations by identifying potential weaknesses in prevention measures and requiring facilities to perform corrective actions that reduce the likelihood of a catastrophic accident. A vigilant inspection strategy that targets facilities in environmental justice areas protects nearby communities from accidents. Currently, due to staffing limitations, EPA can only perform approximately 300 RMP and 600 oil inspections annually
 - RMP: EPA requests \$1.5 M extramural and 18 FTE
 - EPA currently conducts approximately 300 RMP inspections annually. EPA proposes to increase the number of inspections by 30 percent. FTE will support an increase in the RMP inspector cadre within EPA and enforcement case development when needed.
 - The RMP rule was built upon existing industry codes and standards, adding to the technical complexity of Plan reviews. As a result, extramural funding is critical to support inspector training efforts, train staff on applicable industry codes and standards, obtain contractor inspection support, and to hire other technical experts as needed to support Plan reviews.
 - SPCC: EPA requests \$260 K extramural and 7.5 FTE
 - EPA currently conducts approximately 600 oil program inspections annually – focusing on high-risk facilities. This is approximately 0.1 percent of the estimated 540,000 facilities in the regulated universe. EPA proposes to increase the number of inspections by 10 percent. FTE and extramural funds will support an increase in the SPCC inspector cadre within EPA.
- Underground Storage Tank E15: EPA requests \$1,620 and 5.5 FTE
We estimate that only 2 percent of the nation's 125,000 retail fuel locations have the appropriate equipment to store higher blends of ethanol, meaning that the remaining UST systems will need some level of upgrade before they can safely and legally store E15 and are at a greater risk of having an accidental oil release in nearby communities. Requested resources will support a targeted, national program to improve the

compatibility of UST systems with E15 in fenceline communities where E15 is more prevalently used. More specifically, requested resources will support the following activities:

- Conduct up to an additional approximately 400 state inspections to ensure UST systems are compatible with E15, and to triage sites needing more attention;
 - Research, to better determine compatibility between E15 and UST system components, and impact of E15 releases;
 - Conduct outreach and education to UST owners to ensure they know the regulatory requirements to store E15 and understand the technical process to determine compatibility to comply with those requirements, so they can safely store E15; and
 - Hire regional staff to both oversee new inspections and to conduct E15 compliance inspections in Indian Country
- Next Generation Airborne Spectral Photometric Environmental Collection Technology (ASPECT): EPA requests \$150K
- This investment would support an additional 5-7 Continuous Evaluation Missions (CEMs) in fenceline communities that would bolster fenceline monitors and ground monitors that take measurements at one specific location. Aerial monitoring provides unbiased sampling because the sensors operate independently of any socio-economic boundaries which may exist on the ground. EPA's ASPECT platform is uniquely capable of providing information for immediate use by on-scene responders in areas that have experienced significant damage from a wide variety of incidents. Natural disasters are increasing in frequency and severity as a result of climate change. Originally designed for the chemical, biological, radiological, and nuclear (CBRN) missions, recent efforts have focused on utilizing this asset to be of wider use to a broader range of stakeholders, including communities that have large numbers of disadvantaged or underserved communities.

ASPECT was recently utilized for this purpose during the response to Winter Storms Uri and Viola in the state of Texas. The ASPECT team developed and executed daily continuous evaluations mission (CEM) plans to monitor and characterize hazardous emissions of 78 chemicals throughout multiple regions (~20) in Texas. ASPECT flew ~90 hours over a two-week period covering >11,000 miles and provided real-time data to the region 6 on scene coordinator who worked with the state to deploy ground-based monitors for further hazardous emission evaluation.

Performance will be measured by:

- Increase RMP and Oil Facility inspections
- Underground Storage Tank E15: Since this proposal will increase the number of state and Tribal UST inspections, we estimate there will be fewer confirmed releases, which is currently reported under the LUST Prevention program.
- Increase number of CEM flights by ASPECT.

7. Core Indoor Air Quality Gaps (\$10 M non-pay and 24.3 FTE), Lead: OAR

This proposal would address three high priority public health challenges posed by poor indoor air quality: reducing US asthma disparities and ensuring healthy school facilities in low-income communities in the US and addressing the international climate crisis and improving public health through clean cookstoves. The first priority is to address asthma disparities for low-income people and communities of color by providing grants to public health and housing agencies to train and deploy community health workers who will deliver in-home asthma interventions and care. Such grants would build local public health capacity while creating jobs in underserved communities. The second priority is to ensure that schools implement ventilation and filtration best practices to ensure healthy indoor air quality for students returning to the classroom following the COVID-19 pandemic. By funding grants under OAR's Indoor Air Quality Tools for Schools program to organizations expert in indoor air quality (IAQ) techniques, EPA can ensure that local school districts receiving American Rescue Plan funding from the Department of Education have ready access to IAQ expertise. This would help local school districts make intelligent choices about school infrastructure improvements that will not only ensure safe school re-opening but will deliver long-term benefits on student and staff health and productivity. The third priority is to reduce the extraordinarily high levels of indoor air pollution responsible for 4 million premature deaths worldwide from household energy/cookstoves (HHE). The proposal also would provide grants to NGOs to increase technical assistance to the household energy sector to improve performance and reduce emissions of cookstoves and advance adoption of cookstove standards.

Under EPA leadership, in-home asthma management support has emerged in the last two decades as a critical component of asthma care, particularly in low-income populations. Through leadership by EPA, CDC and HUD, State Medicaid programs and leading private health plans have begun to adopt reimbursement mechanisms to finance in-home asthma interventions. This proposal would provide grant assistance to nongovernmental organizations in public health/housing entities to support delivery of sustainable in-home asthma care and interventions with a focus in disadvantaged communities. By bringing this proven approach to scale, EPA can help build capacity in public health/housing agencies and create jobs directly benefiting low-income communities. The proposal would also provide technical assistance and support to the EPA/HUD/CDC-led public-private partnership Community of Practice (CoP), the leadership group of community-based, State and Tribal health and housing officials, working to secure and sustain reimbursement for home-based asthma interventions – with a focus on securing coverage for 500,000 low-income children covered by Medicaid by 2024.

The proposal would expand EPA technical assistance to advance best IAQ through ventilation improvements, operation and preventive maintenance, and appropriate sanitation in school/childcare buildings serving low-income communities. It would also expand federal coordination and collaboration through the Federal Partners in School Health, an existing multi-Agency collaboration led principally by the Department of Education, Centers for Disease Control and EPA. The proposal would provide grants to NGOs to assist schools with safe reopening and sustained healthy operation of school facilities, with particular emphasis

on underserved schools in low-income communities. It would also provide direct technical assistance to schools, particularly those in underserved communities, by scaling up deployment of EPA's Indoor Air Quality Tools for Schools program in collaboration with the Department of Education to guide smart investment of American Rescue Plan funds in school indoor air quality and ventilation infrastructure.

Internationally, emissions from household energy/cookstoves are the largest controllable source of the short-lived climate pollutant (SLCP) black carbon (>50%), and cookstove emissions also include methane and CO₂. The proposal would provide grants to NGOs to increase technical assistance to the household energy sector to improve performance and reduce emissions of cookstoves and advance adoption of cookstove standards.

This proposal also provides resources to meet EPA's core indoor air quality protection mission, including radon risk reduction in order to address the inequity experienced by low-income communities that lack resources for testing and mitigation, and restore resources for State and Tribal Radon Programs.

Reducing asthma disparities, ensuring healthy school facilities in low-income communities, and promoting standards for clean cookstoves addresses Strategic Plan Cross-Agency Strategy 2: Consider the Health of Children and Other Vulnerable Populations in Our Work; Goal 2: Take Decisive Action to Advance Environmental Justice; and Objective 4.2 Reduce Exposure to Radiation and Improve Indoor Air.

The proposal would support work to secure and sustain reimbursement for home-based asthma interventions – with a focus on securing coverage for 500,000 low-income children covered by Medicaid by 2024. It would restore, leverage, and scale up deployment of the Indoor Air Quality Tools for Schools program and coordinate with the Department of Education, CDC, and EPA's broad network of 65,000 school stakeholders to provide grant support to a cadre of State, Tribal and NGO indoor air and school health programs to provide training, assessments, and implementation support to local education agencies serving in-need communities. The proposal would build capacity in low- and middle-income countries in Asia, Africa, and Latin America to adopt, adapt and implement standards for clean cooking and heating technology.

8. Coordinated Community Assistance (\$88.7 M non-pay and 147.5 FTE), Multi-NPM

The overarching purpose of this investment is to connect localities and tribes, particularly disadvantaged or overburdened communities, with the resources and technical guidance that communities need. This is especially true for communities or organization that may not have experience in obtaining or utilizing federal grants. The EPA's FTE are to serve as the bridge between experts and community needs and provide information related to environmental and economic opportunities directly in the community, leveraging existing partners and networks.

- **Cross-Media Environmental Community Coordinators (\$34.7 M non-pay and 100 regional FTE), Lead: OEJ NPM**

This investment of \$34.7M and 100 additional regional FTE are critical to implementing a new innovative effort to better identify and work with communities to resolve cross-

media environmental and public health challenges in a holistic environmental justice (EJ) and community-driven manner. The investment embeds environmental justice community coordinators in overburdened communities to support an integrated cross-media approach to identifying and addressing environmental concerns. The effort will leverage new FTEs, cooperative agreements, existing networks such as HBCUs and tribal consortia, and members of the community to build trust and provide cross-media assistance outside of individual EPA programs or authorities, in addition to collaboration with other federal agencies, partners at the state, tribal, and local levels, and stakeholders such as academic partners, philanthropies, and business and industry. This novel approach to community engagement and environmental management will:

- Allow EPA staff to better understand community priorities and concerns, local dynamics, to gather information that will lead to better-informed decisions and outcomes and to help focus resources such as monitoring and enforcement where appropriate;
- Build the capacity of communities to better access and utilize funding and resources;
- Enable holistic, community-driven cross-media, cross-program solutions to be crafted accessing all of EPA's resources;
- Foster inter-governmental partnerships to solve intersectional problems beyond environmental burdens; and
- Provide a career pathway for those from overburdened and disadvantaged communities interested in serving while also helping to fill EPA's needs for committed energetic staff with life experiences in overburdened and underserved communities.

Critically, the efforts of the FTE associated with this investment will look beyond individual and cross-agency EPA programs to coordinate and align the efforts, investments, and collaborative participation of other federal agencies, partners at the state, tribal, and local levels, and important stakeholders such as academic institutions, philanthropic foundations, and business and industry. This investment will create a dedicated community of practice to not just drive meaningful outcomes on the ground for communities with EJ concerns, but to support and refine efforts of other community-based programs within EPA programs and governmental entities.

The EPA's FY 2022-2026 strategic plan contains a central goal on advancing EJ and civil rights (CR) across all of EPA's policies, programs, and activities, including providing an unprecedented level of financial and programmatic support for communities and for partners and other stakeholders. This proposal will advance EPA's community-driven work as a central means of achieving our mission in communities with EJ concerns with a focus on working across programs, and better coordinating and collaborating with partners and other stakeholders on implementation of holistic solutions to community-identified EJ challenges. The novel approach in this proposal will greatly facilitate achieving EPA's EJ and CR long-term and annual performance goals by incorporating communities' perspectives and by helping to ensure that the goals are met in ways that truly benefit communities.

While there are likely no changes to existing authorities needed to implement this proposal, a more distributed and flexible work model may need to be developed if EPA staff will be embedded in communities without physical offices once the flexible work arrangements from the pandemic are revised.

○ **One Water / One Community (\$20 M non-pay and 34.5 FTE), Lead: OW**

This Over Target proposal advances multiple Administration priorities by focusing on communities and their water priorities. This proposal directs resources toward historically underserved and overburdened communities and Tribes that are facing greater climate and water equity challenges and need coordinated water investments to achieve greater resilience and an improved quality of life. One Water/One Community integrates multiple program areas across the Clean Water Act and the Safe Drinking Water Act to holistically support our communities as they respond to the climate crisis. The proposal would increase funding for planning and implementation actions by communities to adapt to a changing climate and to build capacity of tribal water programs to address the effects of climate change on their water utilities and their waters, and manage nonpoint source pollution through nature-based solutions that achieve multiple community benefits. Additional resources requested in this proposal would provide support to at least 20 additional underserved urban communities through an increased presence of our Urban Waters Ambassadors, hands-on technical assistance for climate vulnerability assessments and adaptation planning, and increased funds for community-determined projects that will provide for multiple benefits (e.g., flood resiliency, community greenspace). In addition, this proposal would support EPA and tribal water priorities and enable tribal water quality programs to protect and restore their water resources and meet the unique needs of their communities, including protecting and restoring water for traditional uses such as subsistence hunting and fishing.

EPA is requesting funding across multiple program projects to leverage the Agency's authorities to invest in these communities. Specifically:

- EPA is requesting resources to support the Urban Waters Federal Partnership (UWFP) to address critical community needs in ways that are fully coordinated within EPA and strategically aligned with the actions of other federal, state, and local partners implementing a holistic approach in the urban watershed. These FTE are needed to develop relationships with new UW locations, provide hands-on assistance to Ambassadors, oversee funding of and technical assistance for water equity and climate projects, and leverage resources from other federal partners and NGOs to meet community priorities.
- EPA is requesting resources to support Tribal Water Quality Program staff as they establish and expand their programs. Regional staff manage grants and track grantee performance, provide guidance to ensure tribes understand programmatic requirements and deliver hands-on support through training, technical assistance, and on-site visits. Additional regional FTE will be needed to provide grant,

programmatic and technical support to ensure the successful allocation and management of expanded Tribal Water Quality and Tribal Wetland Programs.

- EPA is also requesting resources to directly assist tribal and underserved or disadvantaged, frontline communities that face environmental justice challenges, lack of technical, financial, and managerial capacity to provide safe drinking water, address stormwater and wastewater challenges, and are struggling to prepare for and/or combat the impacts of climate change. EPA's existing technical assistance programs including Climate Resilient Water Utilities and Area-Wide Optimization, and the Water Infrastructure and Resiliency Finance Center (WIRFC), would work together with the SRF and other financing programs to connect funding sources to support the actions in these frontline vulnerable communities.
- EPA will establish an internal management group to ensure that the integration of the various programs provides a holistic approach for communities to address their water problems on a systemic basis.

The Agency would employ a combination of data tracking systems and metrics to track progress of these activities. Given the climate, environmental justice, and Tribal activities, this proposal would support Goals 1, 2 and 5 of the Agency's 2022-2026 strategic plan.

Specifically:

- The internal management group will develop metrics to ensure the resources are helping communities to the maximum extent possible.
- The Agency will track results for section 319 tribal investments through the GRTS data system noting projects that improve resilience to climate impacts.

The Agency will track the number of Tribes that assume CWA authorities such as Water Quality Standards and Listing/TMDL's. In addition, funds will support expanded water monitoring reported through the Water Quality Exchange and will enable more tribes to participate in the ATTAINS pilot.

One Water brings together various Clean Water and Safe Drinking Water programs to target assistance to meet community priorities, including tribal communities. Under this proposal, EPA would bring together the following programs and investments:

- In the urban setting, EPA will continue to lead the Urban Waters Federal Partnership (UWFP) and partner with 14 other federal agencies and hundreds of local and national partners to bring in UW Ambassadors to facilitate community voices, hands-on technical assistance and funding for projects, including climate vulnerability assessments, projects to identify and replicate innovative approaches to flood resiliency, enhanced collaboration between water utilities and underserved communities in UW partnership locations, and integrated water resource management pilot programs to address equitable water supply issues in two western UW partnership locations. Without additional resources, the UWFP, with its unique equity-oriented environmental mission and Ambassador-driven approach to community engagement and equity, is limited in its ability to support more

underserved and overburdened communities and unable to achieve its potential as a key federal program for advancing water equity, climate resiliency, and One Water. The UWFP is planning for a 10th anniversary event in November 2021 where the federal partners will recommit to the principles, mission, and vision of the program, announce an action plan for the next 10 years to expand the program to 50 more locations, and announce other federal commitments, including a possible 21st location. Additional resources are critical to supporting these communities with their water equity and climate challenges.

- This proposal strengthens the role and capacity of underserved communities, specifically Tribal communities, to protect and restore their water resources to be more resilient to climate change impacts. Increased investment in Clean Water Act (CWA) grant programs, §106 and §319, will empower Tribes to implement and expand water quality programs to meet the challenges their communities face from climate change. Additional §106 funding supports the EPA and tribal priorities to address inequity in water protection programs, build tribal capacity to protect their water resources, address environmental justice, and address threats to water quality such as warming waters, increased flooding, and drought brought on by climate change. (FY 2023 National Tribal Caucus Budget Priority document). §106 funding supports Water Quality Standards (WQS), TMDL/Listing and permitting and enforcement programs and is also used by Tribes to develop foundations needed to assume other water quality programs such as §319 and BEACHES. Additional §319 funds will support water quality restoration projects that increase resilience to climate impacts by, e.g., restoring riparian areas and floodplains, benefiting Tribal communities. To sustain improvements in Tribal water quality and communities over time, §319 funds would also grow and sustain a corps of Tribal water quality professionals to address community water resource needs and continue meeting these needs over time. These additional investments will support Tribal water programs to meet the challenges of nonpoint source pollution, inequitable access to clean water, and climate change, while expanding assessment of Tribal waters and growing working partnerships with USDA and others that will leverage resources for Tribal communities section 319 projects.
- EPA would provide direct technical assistance and information on funding mechanisms to Tribal and underserved, frontline communities that have long faced environmental justice and equity challenges in tackling the impacts of climate change and in delivering safe drinking water. EPA's Creating Resilient Water Utilities (CRWU) program will provide actionable, localized information to the communities and work hand-in-hand with the utilities to consider climate change adaptation options to ensure system resilience in these communities. Working in tandem with the CRWU program, EPA will deliver flood resilience workshops in the same frontline communities to help water systems in different regions with developing flood mitigation strategies and actions using EPA's Flood Resilience Guide for Water and Wastewater Utilities. EPA's Area-Wide Optimization Program (AWOP), which is focused on providing tools and approaches for drinking water systems to meet water quality goals, is the third prong of this proposal that will help

utilities in underserved communities to provide safe drinking water and ensure sustainable public health protection. These technical assistance programs would work together with the SRF programs to connect funding sources to support the actions in these frontline communities. For instance, in addition to amplifying and using the SRF funding strategically, EPA can coordinate with states on the "set-asides" from their annual Drinking Water State Revolving Fund (DWSRF) capitalization grant for non-infrastructure activities. These funds can be used to help utilities in small and disadvantaged communities to increase their technical, managerial, and financial capacity.

To provide this holistic assistance to rebuild and address resiliency and sustainability problems of disadvantaged communities, OW will first engage the regions and their Direct Implementation programs, states, and stakeholders such as the Tribal Infrastructure Task Force (ITF) partners and use information from the Safe Drinking Water Information System (SDWIS) to identify and engage these frontline communities to understand their specific needs. As an example, EPA may select a group of utilities in the Gulf Coast states that are at high risk for flooding and devastating impacts from climate change and provide these utilities with assistance on climate scenario projection, mitigation and engineering measures, and ways to fund these measures.

Many tribal and underserved/disadvantaged communities also face climate and resiliency challenges for stormwater and wastewater issues. In the past, OWM's WIRFC has provided, limited financial technical support for underserved communities (e.g., Jackson, MS). Additional funds would help the program expand its ability to provide financial and technical expert assistance to vulnerable communities to help them find solutions by first identifying water service and finance gaps and building enduring solutions to mitigate those gaps. This includes helping to implement holistic approaches to address water infrastructure challenges, affordability, and the lowest cost financing alternatives, develop appropriate technical solutions, help with pre-development ideas, and develop competitive applications. This also includes connecting them with the most appropriate sources of funding (e.g., Clean Water SRF, Sewer Overflow grants, etc). Some this technical assistance and engagement will also help support a pilot for a proposed Agency Priority Goal related to the national priorities list and investing in water infrastructure to enhance livability and economic vitality of communities.

The Agency may need new grant authority to provide competitive grants to communities that allow for both training and pilot projects consistent with our existing §104(b)(3) authority as well as implementation authority, because the existing UW small grant authority may not be of sufficient scope to support the expanded One Water/One Community agenda. A bill has been introduced in the Senate to authorize a greatly expanded UWFP program and a dedicated appropriation to support all program operations, location-based UW Ambassadors, and a new grant program.

The Agency will use its existing authorities under the Clean Water Act and Safe Drinking Water Act to target the financial and technical assistance to these Tribal and underserved/overburdened communities.

- **Cross-Media work in the Environmental Finance Centers (\$10 M non-pay and 1.0 FTE), Lead: OW**

New infrastructure upgrades and replacements for drinking water, wastewater, and stormwater, represent a financial hurdle for communities with structural and explicit inequities. Many communities face the same challenges that we have seen in Flint and Jackson – a lack of staff and technical capacity to develop plans for infrastructure improvements and to secure the resources needed to pay for them. In addition, the COVID-19 pandemic has only deepened income insecurity, making it more difficult for many communities to rely on ratepayers to cover infrastructure costs. Finally, in many places climate change impacts are water related – increased flooding, drought, and rising water levels are hitting communities hard. To respond to these overlapping problems, these communities need technical assistance with financing and infrastructure planning. The Agency continually hears that helping communities with financial advice is greatly needed.

Many communities face water affordability challenges, from residents having difficulty paying their bills to water utilities being unable to invest in capital improvements needed for life sustaining services. Compounding these affordability challenges, historical disinvestments, structural and explicit inequities, aging infrastructure coupled with climate change have been accelerating the need to replace and modernize the drinking water, wastewater, and stormwater infrastructure that power local economies. New infrastructure upgrades and replacements represent a financial hurdle for communities, and the rising operations and maintenance costs associated with aging infrastructure make it difficult for communities to afford the needed investments. EPA’s network of Environmental Finance Centers can provide technical assistance to help communities navigate these challenges (as noted below).

Because of longstanding issues of disinvestment, low-income communities, people of color, and other underserved populations are disproportionately impacted by rising water infrastructure costs. The lack of resources at both the utility and household levels exacerbates the challenge. In order to support these communities to deliver high quality, affordable drinking water, wastewater, and stormwater services to their residents, it is essential to provide technical and financial assistance tailored to their needs.

This additional assistance may lead to developing competitive project and financial applications and more practical community specific on the ground solutions, Rate Structures (e.g., progressive rate structures, wealth based approaches, set cost for livable amount of water usage, different charges for different types of customers), Non-Rate Revenue Approaches (e.g., leasing space, selling grid service, selling fertilizer), Administrative Finance Assistance (e.g., billing system consolidation, software solutions), Cost Saving Alternatives/Activities (e.g., energy management operational practices, leak detection), and Financing/Funding Options (e.g., public and private loans, grants, partnerships).

The additional funding would allow the EFC to provide direct financial and technical assistance and advice to help more low-income communities develop, finance, and build the drinking water, wastewater, and stormwater infrastructure improvements they need. The EFCs can help local utilities implement holistic approaches to address water needs such as affordability, identify the lowest cost financing alternatives, develop appropriate technical solutions, help with pre-development ideas, and prepare competitive applications. Support also allows communities to develop rate structures and assistance programs to help ensure that all residents can afford water services.

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Communities receiving direct technical assistance from the EFCs will be identified based on financial and technical need and their demonstrated commitment to improving the lives of their communities and residents. Project successes will be shared to support decision making for other communities that have similar water infrastructure financing needs.

EPA will aim through the EFCs technical assistance to assist communities that have some or all the following characteristics: 1) Populations burdened with economic, environmental, and health challenges; 2) Acute or chronic water challenges with immediate public health or environmental impacts; 3) Systemic poverty and inability to fund their operating costs with current revenues; 4) Capacity to generate new revenue is limited due to factors such as the size of their customer base or the socio-economic status of customers; 5) Environmental justice concerns; and/or 6) Population, or portion of the population, below the state average median household income (MHI).

Examples of assistance include:

-Rate and Revenues – Identify the impact different rate structures will have on individual customers and customer classes to determine which type of rate structure balances revenue generation with customer impacts.

-Affordability – Determine household and utility affordability for specific projects.

-Alternatives Assistance – Evaluate existing financial status/issues and develop alternatives to ease financial burden while optimizing financial operations. Also, identify appropriate infrastructure projects, and identify new operational activities, that can be employed in a holistic, long-term sustainable approach that is tailored to community needs.

-Customized Financial Plans – Comprehensive financial solutions and project ideas that are built from the ground up and based on lived experiences.

-Compliance and Technical Assistance – Can include technical support, pre-development assistance, economic analysis and variance support, literature reviews, and other assistance that supports competitive project and financial applications, standards development efforts, development of tools to assist in addressing standards and regulatory implementation challenges, and evaluation of the feasibility of different technologies.

○ **Circuit Riders (\$6 M non-pay and 2 FTE in OECA and \$3 M non-pay and 1 FTE in OCSPP) Lead: OECA and OCSPP**

The Compliance Advisor Program advances the Administrator’s priority to invest in America’s water infrastructure by improving water quality and safety to protect public health. For FY 2023, OECA is requesting an additional \$6.0 million non-pay funding and 2 FTE to continue supporting the Compliance Advisor Program. Many small drinking water and wastewater systems are overburdened, and unable to achieve and maintain compliance due to lack of technical, managerial, and financial capacity. These communities are disadvantaged by factors such as aging infrastructure, workforce shortages, and declining rate bases. These challenges are the root cause of most violations of the Safe Drinking Water Act (SDWA) and Clean Water Act (CWA). This proposal funds compliance advisors providing in-person technical assistance for up to 700 facility/system visits over the five-year investment period. OECA anticipates working with 250-300 new systems in FY 2023. Part trainer and part consultant, compliance advisors troubleshoot issues, develop plans to return systems to compliance, and increase the technical capacity of operators. The compliance advisors may revisit systems as needed, promoting sustainable compliance.

In FY 2023, OCSPP is requesting additional resources for the following:

- Advance environmental justice (EJ) efforts: Many tribal communities are small and located in remote areas with few available resources to address EJ concerns. EPA FTE and financial assistance are key to minimizing significant risks and necessary to meeting our direct implementation responsibilities. While there are 574 federally recognized tribes in the U.S., approximately 20 have a FIFRA cooperative agreement supporting pesticide programs that provide education, technical assistance, and enforcement to protect the environment and human health on tribal lands. This fact is largely due to the small amount of FIFRA funding available to support tribal pesticide programs. Tribal circuit rider programs will serve multiple tribes in sizeable, hard to reach geographic areas and maximize limited funding.
- Advancing equity through the federal government: The Tribal Pesticide Program Council, an EPA Partnership Group, has been highly critical of the lack of pesticide resources dedicated for tribes. Historically, funding levels have not changed in the last decade and remain significantly low, leaving current funding needs unmet and no possibility to serve additional tribes in need. While states receive approximately \$11 million for pesticide program implementation annually, tribes receive just \$800k.

- Tribal Consultation and Strengthening Nation-to-Nation Relationships:
Adequately funding current cooperative agreements and making additional funds available for tribes interested in establishing pesticide programs will improve EPA's relationship with tribes nationally as well as with the Tribal Pesticide Program Council.

There is significant demand for compliance advisor assistance that can be targeted where existing technical support efforts cannot meet the needs of the community. OECA's greatest limitation will be having sufficient funding to work with the systems in need. Accordingly, we are requesting a total of \$6.0 million in non-pay and 2 FTE in FY 2023 to allow us to work with more facilities. An increase in funding over the current base is also needed to meet increased travel costs, etc. for the contractor due to the COVID pandemic.

OECA is working closely with agency partners, including the regional offices, to ensure that funded activities increase capacity in these vulnerable communities, including those in Indian country and where EPA has direct implementation, to achieve and sustain compliance. The framework developed for compliance advisor assistance will integrate OECA efforts into existing OW and regional efforts and allow us to connect with other providers such as USDA at a local level.

With an additional \$3 M and one FTE, the Pesticide Programs will be able to implement FIFRA requirements to support Tribal pesticide education and technical assistance to reduce harmful exposure in the following manner:

1. Make a greater investment in the established tribal circuit rider programs that serve multiple tribes in sizeable, hard to reach geographic areas. resulting in increased pesticide education and safety as well as enforcement coverage in Indian country. In addition, increase funding for current circuit rider programs that have requested additional funding to cover long overdue raises, travel costs, administrative costs, or the cost of adding additional tribes to their circuit rider program.
2. Fund new cooperative agreements with tribes interested in initiating a circuit rider or tribal-specific pesticide program. At least two regions are meeting with tribes interested in becoming a circuit rider, however there is no pesticide program funding and little enforcement funding at this time. Additional funding will allow EPA to move forward with new tribal agreements providing much needed pesticide education and enforcement services to tribes in remote locations. It will also encourage more tribes to establish their own pesticide education and enforcement program.
3. Fund existing tribal cooperative agreements in the regions. Immediately increase funding for current tribal cooperative agreements with established tribal grantees interested in establishing a circuit rider program, thus reducing lead time for getting the program implemented.

4. Fund tribal-specific training. Tribal members of the national Tribal Pesticide Program Council identified tribal-specific training as one of their highest priorities for tribes nationally.

The OCSPP FTE would represent all regions and work closely with OCSPP HQ and the pesticide tribal sub-lead on the work described above.

Efforts would begin immediately once funds are available to identify tribes interested in developing the circuit rider program, establish MOUs between tribes in the identified geographical area, and negotiate workplans with circuit riders. As much as possible, existing vehicles will be used to initiate circuit rider programs nationally. In addition, training funds would be used as soon as a training program and administrator can be identified. Opportunities will be explored in FY 2022 in preparation for the FY 2023 funding decisions.

The Compliance Advisor program advances progress on several CWA- and SDWA-based agency goals. For these disadvantaged systems, however, progress toward compliance may be gradual. An increased investment allows EPA to support these systems on the path to compliance, promoting a sustainable return to compliance.

In addition to measuring the contributions toward the Agency's strategic measures, EPA will assess the effectiveness of the Compliance Advisors program using compliance performance information reported to EPA databases (such as the Enforcement and Compliance History Online (ECHO) and Enforcement Targeting Tool (ETT)) before and after the delivery of compliance assistance to small systems. A random selection of similar small systems that do not receive compliance assistance under the Compliance Advisors Program will serve as a control. Examples of compliance performance measures could include changes in the systems:

- Number of violations
- Status as a significant noncomplier or a serious violator
- Quarterly ETT score (e.g., reduction in ETT score over time)
- Average number of effluent limit exceedances (e.g., total ammonia nitrogen monthly average effluent exceedances are reduced from 275% to 120% from one quarter to another)
- Number of parameters that exceed limits

EPA regional offices will work with all tribes interested in establishing their own pesticide education and enforcement program, as well as those tribes interested in establishing or expanding their circuit rider program. EPA regional project officers will ensure tribal workplans are congruent with the FIFRA Cooperative Agreement Guidance and the amount of funding provided. All FIFRA grantees provide detailed end-of-year reporting which is sent to OCSPP and reviewed to ensure adequate performance.

EPA contractors and/or grantees will work with systems to increase technical capacity of existing staff and will also create feasible asset management and other plans that can be implemented with the system owner over time, even where there is operator turnover.

Return visits to these systems will increase the likelihood of successful implementation of these plans. Strong EPA and State/tribal partnerships will also be created to support systems and increase the likelihood of sustained, long term compliance. The EPA is also seeking strong cooperative relationships with others assisting these communities, such as USDA, whose services may complement agency activities.

- **Worker Safety in EJ Communities (\$15 M non-pay and 9 FTE), Lead: OCSPP**

This request supports Executive Orders: “Protecting Public Health and the Environment”, “Restoring Science to Tackle the Climate Crisis”, and “On Advancing Racial Equity and Support for Underserved Communities.” Additional resources will support the expansion of worker safety program and certification to better protect pesticide applicators in all sectors and communities, including farmworkers, rural communities, and Indian country. For example, the program provides training on heat stress and personal protective equipment, and the applicator training will address changes in climate leading to changes in pests. For equity, the program is expanding grant eligibility to include tribes and historically black land-grant universities.

Advances environmental justice (EJ) efforts: Additional funding and FTE will support a collection of EJ and safe pesticide use initiatives specifically focused on vulnerable and EJ communities to ensure the same degree of protection from pesticide use to all people who are at risk of exposure. EPA’s current program is underfunded leaving gaps in education materials, data collection and evaluation, technical assistance, and guidance and outreach to support compliance and understanding. While worker protection safety rules protect vulnerable populations that are at higher risk for pesticide exposure, especially farmworkers and their families, the protections need to be communicated and promoted in a manner that reaches all vulnerable populations. Without additional resources for the worker safety program to implement the enhanced protections, the nation’s workforce lacks adequate support to fully realize the benefits of reduced pesticide incidents and improved protections of health and safety. Increased funding will allow EPA to work with states, tribes, territories, and federal partners as well as educational institutions and community-based organizations to increase our outreach efforts.

Advancing equity through the federal government: Additional funding and FTE will allow EPA to address identified EJ and equity needs increasing protections for at risk populations including farmworkers. Additional resources will allow EPA to target efforts on populations that are traditionally underserved and may be hard to reach due to location and language barriers.

All grants must submit regular reports that track accomplishments and accountability. Applicants must meet criteria for measuring their programs success. All the state pesticide cooperative agreements are governed by a FIFRA Cooperative Agreement Guidance that all states, tribes and territories must follow. Regional project officers work closely with their grantees to ensure performance commitments are met. Grantees submit a detailed end-of-year reports which is then reviewed by OCSPP staff to provide understanding of issues in the field and ensure adequate performance.

Worker protection grants and contracts and other agreements will be closely managed by the Certification and Worker Protection Branch within the Office of Pesticide Programs at EPA HQ to ensure performance commitments are met. In addition, this work will support improved results in OCSP's draft long-term performance goals:

- By September 30, 2026, 20,000 farmworkers will have received EPA-supported WPS pesticide safety training from baseline average of 11,000 from FY 2018-2020
- By September 30, 2026, maintain 95 percent average level of content knowledge for farmworkers as a result of EPA-supported WPS training from baseline average of 95 percent from FY 2018-2020.

Additional resources to support worker protection and pesticide safety programs will increase reach into vulnerable communities, increase tools and resources available to support worker safety, and increase the level of information/data available to inform the programs.

Two key worker protection rules were updated in 2015 and 2017 to strengthen protections and address gaps identified through incident reporting and by stakeholders and co-regulators. These changes enhance safeguards preventing pesticide exposures. Implementation of these improvements has been stalled due to the lack of additional FTE to accommodate the EPA increased workload, and the lack of implementation funding at the state level and safety educational programs. Additional 9 FTE and \$15 M in non-pay funding would allow EPA to support state pesticide certification and training programs and their Pesticide Safety Education Programs (PSEPs), agricultural establishments and health care providers in implementing increased protections for pesticide workers, farmworker groups and agricultural communities. The worker safety program is multifaceted to address identified needs from several levels and directions. Specifically, this funding would:

1) Support state worker protection activities and certification of applicators in disadvantaged communities. State pesticide programs have been chronically underfunded, impacting states' abilities to meet new federal worker protection requirements. While there is a federally mandated deadline for implementation of new worker safety requirements, states are struggling to revise their pesticide certification and training programs with existing funding and manpower. In addition, EPA is reviewing the FIFRA Cooperative Agreement Guidance (which states must follow) to incorporate new activities and practices for disadvantaged communities. Additional funding would allow states to speed up their enhanced worker safety implementation efforts and expand their work into disadvantaged communities.

2) Increase funding for state Pesticide Safety Education Programs (PSEPs) which provide pesticide training for pesticide applicators. State Lead Agencies rely on their state's Pesticide Safety Education Programs (PSEPs) to train pesticide applicators and develop pesticide training materials. Although PSEPs are key to the certification and training process, they are historically underfunded. Additional funding will provide

PSEPs the resources they need to revise training and education materials and deliver training on the new requirements in both English and Spanish. Additional funding will allow EPA to expand PSEP grant eligibility to include tribes and historically black land-grant universities and an emphasis on developing trainings in the cultural context of the target audience.

3) Expand the health care initiative for training clinicians serving farmworker communities. EPA currently funds one grant that supports a health care initiative for training clinicians on the recognition and management of pesticide poisonings and injuries. Additional funding would allow EPA to fund multiple proposals resulting in expanding reach into agricultural communities, focusing on "on the ground" training of health care providers that serve farmworker and migrant communities and the development of tools and resources to better address pesticide exposure incidents in underserved populations.

4) Enhance and expand incident reporting through partnering with the CDC/NIOSH SENSOR-Pesticides incident surveillance program. This program provides EPA quality occupational incident data that informs risk assessments, risk mitigation and rulemaking efforts. The Program develops preventive interventions and maintains a database that compiles pesticide incident data from participating states. Additional funding would allow EPA to expand this program into agricultural-producing states, emphasizing "boots on the ground" approach to proactively seek farmworker pesticide illness data. Currently only three of the 12 participating states receive funding from NIOSH. Partnering with NIOSH, EPA and NIOSH will work together to strengthen, and ultimately expand the program, with Environmental Justice populations, farmworkers, and others, in mind. EPA will work with CDC and NIOSH on establishing funding mechanism for SENSOR in FY 2022 in preparation for FY 2023 implementation.

5. Increase outreach and pesticide safety resources with a national focus on environmental justice and the protection of vulnerable workforce including farmworkers and pesticide handlers. Additional funding and FTE would allow EPA to initiate grants and contract projects that have further and targeted reach. Funding and FTE would support the development and evaluation of training materials to be effective and appropriate for the cultural context of the target audience, such as migrant workers and for tribes. It would also support efforts to increase outreach to employers, growers, farm labor contractors, and farmworkers and pesticide applicators.

Focus Area: Building Equity Across the EPA's Mission

(Total: \$53 M, with 145.0 FTE)

The four activities listed within this focus area support the Agency's commitment to upholding and institutionalizing the values of diversity, equity, and inclusion at EPA. The combined investment includes headquarters and regional FTE, grants, and programmatic resources to advance Agency and Administration priorities of environmental justice and building a diverse and inclusive workforce in direct support of Administration equity policies.

9. Advancing Cumulative Risk Methodologies (\$19.0 M non-pay and 40 FTE), Lead: ORD

This proposal is an investment to develop an enhanced understanding of the effect of cumulative impacts of pollution in communities. The goal of this proposal is for the Agency to gain additional insight for the purpose of decision-making and lead to the development of effective solutions at multiple governance levels to reduce those impacts. It is the combination of these effects, including exposure and impact of chemical and nonchemical stressors, and any resulting environmental degradation or health effects, that are the focus of our cumulative impacts research. This work will increase the Agency's social science capacity and strategically align world class research expertise with program and regional partners, incorporating local, underserved, and frontline communities into all stages of the scientific and research process. Together, these efforts will deliver actionable and sustainable solutions that empower local participation to advance a healthy and sustainable future and increase community resilience. The research will be solution-oriented explorations of cumulative impacts from environmental contamination and other stressors including climate change in support of multiple Agency decision-contexts.

This investment will support priority actions to implement recent Executive Orders (EO) aimed at advancing Environmental Justice and tackling the climate crisis, including EO 13985, EO 13990, and EO 14008. This proposal presents the need for increased social science capacity in the Agency to successfully deliver on two key actions needed to support the administration's priority to advance environmental justice: (1) expanding current staff to enhance expertise in social science, community engagement, STEM, urban environmental science, and laboratory and field science support; establishing enduring relationships with local EJ communities through listening sessions and partnering with local community action groups; and (2) address complex interactions among pollution sources, exposures, non-chemical stressors, climate change, and communities by expanding place-based, community-focused research, especially with members of overburdened communities. Social science experts, integrated with EPA's established capacity for environmental research, provide an emerging specialty that recognizes the critical need to combine environmental, public health, and social science with stakeholder engagement and outreach. These experts will analyze natural and technological systems, conduct solutions-focused research, collaborate with communities with environmental justice concerns, improve risk communication, and tailor science-based tools and solutions to address cumulative impacts in communities

Increased capacity for social science research will improve the agency strategic measure to increase the percent of EPA research products that meet customer needs by making research more targeted towards use in developing methods and solutions to reduce cumulative impacts. Additional social science capacity and capacity for place-based research will enable EPA to better meet the Administration's priorities for addressing climate change and advancing environmental justice by reducing cumulative impacts that disproportionately impact overburdened and frontline communities. Further, the assessment of cumulative risk, particularly aggregate exposures, will ensure that risk evaluations do not underestimate chemical exposures, which can result in underestimates of risk and impede effective risk management rulemaking to mitigate unreasonable risks.

Through this initiative, EPA will advance environmental justice and reduce the cumulative impacts from chemical and non-chemical stressors by increasing capacity in social sciences and community-driven place-based research and conducting research to develop, evaluate, and implement solutions. Further, EPA will work to advance and implement cumulative risk approaches to address multiple exposures to high-priority chemicals of concern (e.g., PFAS).

The goal of this proposal is to increase understanding of the effect of cumulative impacts from chemical and non-chemical stressors in communities and across media and lead to the development of effective solutions at multiple governance levels to reduce those impacts. Cumulative impacts result when the effects of an action or stressor are added to or interact with other effects in a particular place and within a particular time, modulated by the social and cultural context in which the impacts occur. The cumulative impacts of actions or stressors can be viewed as the total effects on a resource, ecosystem, or human community of that action or stressor and all other activities affecting that resource. It is the combination of these effects, including exposure and impact of chemical and nonchemical stressors, and any resulting environmental degradation or health effects, that are the focus of our cumulative impacts research. These complex interactions require explorations of social systems that can both exacerbate impacts and present opportunities for development of community-customized solutions. This proposal will also look at cumulative risks as a part of cumulative impacts, particularly the increased use of cumulative and aggregate exposure methods within risk evaluations. For example, TSCA and FIFRA provide the authority to use these methods for risk evaluations and require EPA to describe when aggregate exposures are considered and are the basis for consideration. Consideration of aggregate exposures ensures that risk evaluations do not underestimate chemical exposures, which can result in underestimates of risk and impede effective risk management rulemaking to mitigate unreasonable risks characterized in the risk evaluation. This proposal is a cross-Agency effort to develop, advance and implement methods for cumulative impact and risk assessments.

EPA's Research and Development program is advancing efforts to integrate social sciences into cumulative impact research activities within the FY23-26 Strategic Research Action Plans. Through this initiative, EPA will fund the development of new methods and solutions through increased Agency social science capacity by leveraging multiple resources including new hiring, increased contract support and external grant mechanisms. This initiative may include support of:

- *Hiring of additional scientists from social science disciplines.* These disciplines will be aligned with the objectives described above, e.g., sociology, economics, anthropology, geography, demography, behavioral science, risk and science communication, community engagement, and urban planning. New hires will also include science support staff with expertise in supporting social science research, including survey design and implementation, social science quality assurance, and qualitative data management. The proposed increase in social science expertise will allow EPA to apply social science theories, methods, and data to enhance research projects through integration of social and environmental science and support for solutions-driven and translational research.

- *Funding of contract support for research on cumulative impacts, qualitative research approaches and social science data sources.* Interdisciplinary research teams will in many cases need access to additional social science expertise beyond that available through EPA hiring. As a result, teams will need contractor support, and EPA will develop a blanket purchase agreement for social sciences support services that allows access to multiple contractors covering different types of social sciences expertise. Further, research teams utilizing qualitative research approaches to understand causes and consequences of cumulative impacts require support for development and implementation of surveys, focus groups, and interviews, as well as accessing new data sources, such as cell phone location data. This support (for example survey call centers) is specialized and will require contract or purchase order funds. Funds are also needed to purchase access to social science data sources, including sources for content analysis such as social media data, news archives, and public document archives.
- *Support for grants with social science topic areas to address priority areas related to cumulative impacts from chemical and non-chemical stressors, environmental inequities, and other complex environmental challenges.* For example, EPA has issued a notice of intent for a STAR request for applications on the topic of “Technical, Economic, and Social Drivers of Large-Scale Energy System Transformation in Under-Resourced Communities and Tribes.” This proposal will provide increased social science research support for Agency programs to address cumulative impacts, by developing and applying advanced qualitative and quantitative methods to advance environmental social science knowledge and increase understanding of the social, cultural, economic, and behavioral factors that influence environmental quality and public health.
- *Development of place-based designs needed to expand social science support to EPA regions.* Place-based designs enhance the EPA’s ability to translate, apply and refine methods through community engagement. Design will be informed by meetings with ORD and regional staff and engagements with community groups and will include a detailed needs assessment, a corresponding hiring plan, and associated roles and responsibilities. Funding will support community-participatory research efforts through improved laboratory and field capabilities as well as new hires to bring on required senior and staff level expertise in social science, lab analytics, field work, quality assurance, community engagement, STEM, urban environmental engineering, and administrative support.

This initiative will support EPA’s program offices to advance and implement the assessment of cumulative risks as a part of cumulative impacts, particularly the increased use of cumulative and aggregate exposure methods, including both chemical and nonchemical stressors. This work will be informed by the research efforts described above and will be a coordinated effort across the EPA.

- *EPA’s Land and Emergency Management program* will build on the scientific research to advance the use of methods for assessing cumulative risk that can be used for programs such as the Superfund Remedial Program. This effort will primarily focus on

high priority chemicals such as PFAS and lead for which there can be significant exposures from non-site related sources that may result in unacceptable cumulative risks. The effort will also address consideration of other stressors that can impact cumulative risk, such as diet and lack of adequate preventative medical care, which is a particular concern for environmental justice communities. The Office of Land and Emergency Management (OLEM) will work with the Office of Research and Development (ORD) and other program offices to build on existing methods to assess cumulative risk and tailor them to the needs of the Superfund Program.

- *EPA's Air and Radiation program* is developing and refining capabilities to assess exposure and risk to multiple pollutants from multiple sources, and identifying inequities associated with those risks by assessing factors that increase a population's health vulnerabilities (e.g., race, living near/below poverty level, linguistic isolation) at the community/local scale and relative to the overall population. For example, transportation hubs that include ports, railroads, and highways can have higher levels of air pollution and low-income and communities of color are often located near these hubs. With this initiative, EPA will:
 1. Develop and/or refine assessment capabilities to identify communities with risk levels of concern based on cumulative risk impacts and identify and characterize inequities that increase communities' health vulnerabilities.
 2. Expand assessment capabilities to include strategies (regulatory and non-regulatory mitigation strategies) to achieve risk reductions and reduce inequities in risk at the community/local scale; this will support identification of effective regulatory and non-regulatory mitigation strategies.
 3. Improve data and data systems needed to assess cumulative exposure and inequities in risk at the community scale and to inform regulatory and non-regulatory mitigation strategies.
 4. Improve and increase engagement with under-served communities with risk levels of concern, including communicating risks and working together on regulatory and non-regulatory mitigation strategies to reduce risk and improve health.
 5. Provide tools that improve stakeholder access to cumulative risk assessment capabilities and results.
- *EPA's Chemical Safety and Pollution Prevention program* is conducting cumulative and aggregate approaches to characterizing chemical exposure and risk in risk evaluations under the Toxic Substances Control Act (TSCA). For example, cumulative approaches will be particularly important in six high priority risk evaluations and two manufacturer-requested risk evaluations of phthalate chemicals. Phthalates were identified by the National Academies of Sciences (NAS) in a 2008 document as being appropriate for the use of cumulative and aggregate methods and specified a decision framework that would facilitate such an assessment⁴. With the requested funding, the following foundational activities could be expedited to support statutory deadlines under TSCA.

⁴ <https://www.nap.edu/catalog/12528/phthalates-and-cumulative-risk-assessment-the-tasks-ahead>

1. Develop approaches to determine when aggregating chemical exposure across conditions of use is applicable.
 2. Develop approaches to identify co-exposure to chemicals to inform prioritization and to determine when cumulative assessments should be considered for relevant chemicals.
 3. Develop approaches for conducting cumulative and aggregate assessments under TSCA
 4. Evaluate applicability and feasibility of biomonitoring data.
 5. Update and develop exposure and hazard models.
 6. Support for scientific and other publications.
- *EPA's Water program* is responsible for conducting human health risk assessments for water contaminants to support Safe Drinking Water Act (SDWA) actions, as well as national recommended ambient water quality criteria under the Clean Water Act (CWA) for source water protection. Consideration of the most susceptible to health impacts, especially sensitive or highly exposed subpopulations (e.g., subsistence fishers) and life stages (e.g., pregnant women and their developing embryo/fetus, infants, and children), is key in developing health effects assessments for chemical and microbial contaminants in water. EPA proposes to develop cumulative human health risk approaches that integrate EJ considerations by:
 1. Expanding the team of toxicologists and microbiologists that conducts these important SDWA and CWA human health assessments to bring in appropriate expertise in new, advanced methods to assess environmental justice and tribal impacts; and
 2. Modernizing the methods used to assess the potential cumulative risk from exposure to nonchemical stressors (e.g., socioeconomic status, psychological stress) and mixtures of chemical and microbial toxic agents in drinking water and source water, such as PFAS, cyanotoxins, and disinfection byproducts.
 - *EPA's Office of General Counsel* will support this effort to advance existing statutes/regulations and any litigation that may arise associated with non-chemical and chemical stressors. If funded, these additional resources will also be used to support cumulative risk across the agency more broadly in areas like rulemakings, permit actions, litigation, and other EPA reviews.

**10. External Civil Rights Compliance Office (ECRCO) (\$3.0 M non-pay and 75 FTE),
Lead: OEJ NPM**

Discrimination is a barrier to equity. The External Civil Rights Compliance Office (ECRCO) enforces several federal civil rights laws that together prohibit discrimination on the bases of race, color, national origin, disability, sex, and age, in programs or activities that apply for or receive financial assistance from EPA. All applicants for and recipients of EPA financial assistance, including state and local governments as well as private entities, have an affirmative obligation to comply with federal civil rights laws, both as a prerequisite to obtaining EPA

financial assistance and in administering their programs and activities. EPA enforcement of these anti-discrimination provisions is a vital tool in the Agency's efforts to advance equity and environmental justice. Without meaningful enforcement of federal civil rights laws, recipients will continue to make decisions that overburden disadvantaged communities every day and create or exacerbate gross inequities in human health and environmental pollution.

The classifications protected by federal civil rights laws encompass most of the underserved communities, as defined by EO 13985, that have been exposed to a disproportionate level of harmful environmental, quality of life and health impacts from pollution sources. Federal law authorizes agencies, such as EPA, to enact rules, regulations, or orders to achieve the laws' objectives. EPA's regulation prohibits recipients of EPA financial assistance from taking actions in their programs or activities that are intentionally discriminatory or have a discriminatory effect. Thus, it is ECRCO's inherent mission and legal mandate to dismantle discriminatory barriers and systematic injustice. EPA has begun revitalizing its external civil rights program, consistent with EO 13985, and, with the needed increase in resources included in this request, ECRCO will be able to overcome barriers to equitable civil rights enforcement. However, as currently funded, including a record low number of staff, ECRCO cannot effectively enforce civil rights and advance equity and environmental justice for overburdened and vulnerable communities. That said, EPA is charting an ambitious and strategic course for effective and sustainable environmental justice and civil rights progress over the next few years, assuming it receives new resources in FY 2022 and FY 2023.

For EPA to fully implement its external civil rights mission with quality and consistency and in a way that yields positive and sustainable impact for the most overburdened and vulnerable communities, EPA must integrate civil rights obligations in its programmatic actions and address critical funding and staffing shortages that developed because of decades of neglect. For example, by the first quarter of FY 2021, ECRCO had only nine staff, including managers, and a small contract and travel budget.

This request for additional resources and FTE will address other critical staffing shortages that directly limit ECRCO's ability to make sustainable progress in meeting its mission. EPA needs additional staffing in (1) the Civil Rights and Financing Law Office to provide timely and thorough legal advice and promote the legal sufficiency of critical civil rights deliverables, and (2) EPA's regional offices to support the external civil rights mission through expert assistance with and knowledge of regional communities and their environmental burdens as well as on-the-ground coordination of cases and outreach to communities.

The use of alternative dispute resolution (ADR) processes would be expanded in this proposal, such as mediation and facilitation, to promote equity by including underserved communities in negotiations. ECRCO would require additional contract funds, and the Conflict Prevention and Resolution Center in the General Law Office require additional FTE to support the resolution of more complaints. Increased use of ADR would allow affected communities to have a seat at the table as civil right complaints are addressed. EPA should also ensure collaboration between the external civil rights and EJ programs in addressing substantive priorities and concerns in overburdened and disadvantaged communities that arise through civil rights investigations and/or EJ program engagement. It will be EPA's role to develop and

issue strong policy guidance to provide clarity to recipients and stakeholders regarding legal requirements, including about standards for assessing cumulative, adverse, and disparate impacts applicable to programmatic decisions.

This request will support a scaled up deployment of ECRCO's affirmative authority to conduct post-award compliance reviews in the most overburdened and vulnerable communities, as well as pre-award reviews with increased applicant accountability and post-award audits to ensure recipients have in place effective nondiscrimination programs and this request advances this important effort. EPA will ensure program staff working on external civil rights issues receive training on civil rights legal and investigative standards as well as how to conduct meaningful and culturally competent engagement with overburdened communities. In addition, EPA needs to ensure staff are equipped with the resources they need to effectuate positive change in communities and have career advancement and development opportunities. Under this proposal, the Agency will accelerate implementation of a program for meeting EPA's equity and regulatory obligation to provide meaningful access to EPA sponsored programs and activities for persons with disabilities and continue to strengthen its program to provide meaningful access to persons with limited-English proficiency to EPA programs, services, and activities. To uphold integrity, EPA must conduct thorough and timely complaint investigations and obtain substantive and meaningful resolutions; provide more transparency to ECRCO's work; and undertake increased and meaningful outreach to overburdened communities.

EPA's ECRCO has started to take steps to address these critical resource, funding, and civil rights enforcement barriers by putting forth this budget request for FY 2023 and continuing to develop its strategic actions under Goal 2 of EPA's Strategic Plan, with positive impact on overburdened communities as its driving force. In the short-term, these actions will have measurable success with respect to civil rights enforcement by way of an increase in the number of affirmative compliance reviews targeting critical environmental health and quality of life impacts in overburdened communities; number and effectiveness of clear and strong policy guidance and corresponding technical assistance deliveries to increase recipient's compliance with civil rights laws; timeliness and effectiveness of complaint investigations and resolutions; and meaningful and productive engagement with overburdened communities.

Through implementation of EPA Strategic Plan Goal 2, EPA will center its mission on the integration of justice, equity, and civil rights across the nation's environmental protection enterprise. By doing so, EPA will finally deliver the promise of clean air, clean water, and safe land to the many communities across the country which have not benefited from EPA's decades of achievement and thereby break the cycle of perpetuating historic injustices born of systemic racism. Centering its work on justice and equity is especially important in an era when EPA must simultaneously extend the promise of EPA's original charge to those communities that have needed help the most, yet received the least support, while also maximizing protection for these same communities as they are hit worst and first and are least able to adapt to and recover from the impacts of a changing climate.

The ultimate goal of centering its mission on these priorities is to achieve measurable environmental, public health, and quality of life improvements in the most overburdened,

vulnerable, and underserved communities. EPA will analyze the distribution of environmental, public health, and quality of life burdens and benefits so that it can identify and address disproportionate impacts. EPA will protect children who live in disproportionately impacted communities as they may have reduced resiliency or ability to recover from exposure to environmental hazards, especially where they are exacerbated by other social determinants of health. This is especially critical as our climate changes. EPA will prioritize the most overburdened, vulnerable, and underserved communities as it invests program resources. EPA will proactively engage with states, tribes, and local governments to discuss and address disproportionate impacts through their implementation of EPA authorities. And, through our external civil rights and environmental justice programs, we will engage in meaningful joint planning with communities, working to advance community visions and priorities. To achieve this goal will require significant advances in how EPA understands and implements its work and a clear commitment by the “whole of government” to support these activities through increased funding and other support.

In the long-term, the vigorous enforcement of civil rights laws will address historical and systemic barriers that contribute to the environmental injustice, overburdening, and vulnerability of communities. EPA expects the benefits of these efforts to include: more responsible and equitable siting and permitting decisions by EPA recipients that now result in racially disparate, adverse, and increased burdens; reductions in racial and ethnic disparities in levels of air pollutants and exposure to toxins; reductions in racial and ethnic disparities among communities in access to clean and reliable water infrastructures that are free of lead and other toxins and increased access to other environmental resources such as green spaces; reductions in racial and ethnic disparities among communities enduring solid waste programs and processes that are mismanaged and not properly administered; better health outcomes in impacted communities; and increased public participation in critical decision-making.

In FY 2022, EPA will work to refocus the office to bring justice to frontline communities that experience the worst impacts of environmental pollution. EPA’s *FY 2022-2026 Strategic Plan* EPA will center its mission on the integration of justice, equity, and civil rights across the nation’s environmental protection enterprise. ECRCO and the Office of Environmental Justice will work closely, leveraging each other’s resources and expertise to promote the integration of EJ and civil rights throughout EPA and carry out the objectives, sub-objectives, annual and long-term goals articulated in Strategic Plan Goal 2: “Take Decisive Action to Advance Environmental Justice and External Civil Rights.” FY 2022 and beyond will see a critical shift in focus for ECRCO from a reactive and almost exclusively complaint driven docket of cases to a proactive agency consistent with what is expected of federal civil rights agencies. ECRCO will strengthen its program and vigorously enforce compliance with federal civil rights laws by recipients of EPA financial assistance through timely and effective complaint investigations and resolutions, as well as affirmative compliance reviews, while providing technical assistance to recipients, engaging with communities, developing strategic policy guidance, and prioritizing ECRCO’s workforce planning and training.

ECRCO will issue investigative guidance to clarify and strengthen legal standards for addressing disparate treatment and disparate impact claims, including those related to permitting and adverse and disparate cumulative impacts; issues plaguing the most

overburdened communities. In addition, ECRCO, OEJ, and EJ Programs throughout EPA will collaborate and coordinate as never before to achieve lasting and positive change in response to community priorities and concerns, including EJ concerns that have been raised through civil rights complaints and vice versa.

Critical ECRCO FY 2022 activities will see more vigorous and decisive implementation in FY 2023 with these additional resources as ECRCO moves to:

- Initiate proactive civil rights compliance activities, including targeted post-award compliance reviews in environmentally overburdened and disadvantaged communities, and strengthened pre-award applicant reviews to ensure that all applicants and recipients are accountable for civil rights compliance.
- Launch at least one affirmative compliance review in the first quarter of FY 22 and additional compliance reviews in FY 2023 and beyond, with the number depending on complexity and resources and consistent with EPA Strategic Plan Goal 2 commitments.
- Fully implement ECRCO's plan, including criteria for identifying annual issue areas, as well as selecting sites for compliance reviews and a process for prioritizing these, along with meaningfully engaging with impacted communities and other stakeholders, including EPA programs and regional offices.
- Update, clarify, and strengthen what is currently Chapter 1 of the Toolkit, to provide clarity internally and externally about the investigative and legal standards that are applied to external civil rights claims, including how cumulative impacts will be evaluated when assessing whether an action, policy, or practice, including in the permitting context, has an unjustified disparate and adverse impact.
- Issue a Foundational Nondiscrimination Program Guidance for Recipients (Foundational Guidance) and a "Dear Colleague Letter" emphasizing the need for EPA recipients to come into compliance with foundational nondiscrimination program requirements. These requirements include clarifying obligations for recipients to collect, and maintain important data about the communities they serve, and to provide EPA with data, when requested. This is a critical step to clarify expectations for recipients.
- Revise the process for reviewing Form 4700-4, the "Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance." These revisions will aid in ensuring compliance with baseline foundational procedural requirements that all applicants and recipients of federal funds must meet to bring all applicants and recipients into compliance, address noncompliance through voluntary means whenever possible, and take appropriate action when voluntary means are not possible.
- Conduct post-award audits of submitted Form 4700-4 forms, based on a sampling of Forms, to confirm recipients have in place the required nondiscrimination program elements.
- Develop and post a Technical Assistance Video to inform recipients of their nondiscrimination program obligations.
- Engage stakeholders internally and externally to inform the development of ECRCO deliverables and communicate requirements and expectations for EPA staff through education, training, outreach, and technical assistance to enhance civil rights enforcement awareness and understanding.

- Increase transparency and proactively provide the public with access to information by posting additional case-related documents on EPA’s website to enable increased understanding of rights and responsibilities for stakeholders, community members and recipients.
- Increase coordination, communication, and engagement with environmentally overburdened and disadvantaged communities, including, for example, through established conference calls, and NEJAC engagement sessions, among other means.
- Enhance Alternative Dispute Resolution services, including increasing ECRCO’s capacity to offer services to a greater number of recipients and communities so that they may come together to resolve discrimination complaints and build positive and sustainable relationships.
- Strengthen interagency collaboration across the federal government to enforce federal civil rights laws.
- In FY 2023, EPA will continue to build capacity in the vitally important external civil rights program to address discrimination and environmental justice concerns. The revitalization of EPA’s external civil rights program that began in the 2nd Quarter of FY 2021 must continue in FY 2023 with even more urgent delivery on EPA’s promise of Equity for America’s overburdened, disadvantaged, and vulnerable communities. To that end, the extensive list of deliverables slated for development in FY 2022 will be fully operational and ready for implementation in FY 2023. As such, the additional FTE requested are necessary in order to fully implement these critical deliverables.

Further, additional initiatives will be launched in FY 2023, with full implementation slated for FY 2024, to further the commitments made through EPA Strategic Plan Goal 2. Critical FY 2023 activities include:

- Full implementation of the Revised Pre-Award Review Process and “Foundational Nondiscrimination Program Guidance for Recipients (Foundational Guidance) and a “Dear Colleague Letter” developed and launched in FY 2022, to increase accountability in applicant and recipient’s compliance with civil rights obligations with respect to foundational nondiscrimination program requirements. Update, and strengthen what is currently Chapter 1 of the Toolkit, to provide clarity, internally and externally, about the investigative and legal standards that will be applied in civil rights cases – for example, clarify: legal standards related to disparate treatment, disparate impact, or intimidation and retaliation claims; and how cumulative impacts will be evaluated when assessing whether an action, policy or practice, including within the permitting context, has an unjustified disparate and adverse impact in violation of civil rights laws.
- Develop programmatic guidance to clarify that recipients must not only collect and maintain data about the composition of the communities they serve, but also evaluate and use that data to determine whether significant decisions, including permitting decisions, comply with civil rights laws.
- Fully implement transparency efforts, including posting additional case-related documents, launched in FY 2022.
- Create a Resources Page on the ECRCO website and populate with existing and new resources (*e.g.*, model nondiscrimination notice, model grievance procedures, translations of models into Spanish and other prominent languages). These

- resources will be made available to assist applicants, recipients, stakeholders, and community members in understanding expectations and responsibilities to be compliant with the EPA nondiscrimination regulation and federal civil rights laws.
- Ensure broad dissemination of critical civil rights deliverables through partnerships with outside state, local and tribal councils, and alliances, such as ECOS, as well as environmental justice advocacy and community groups, the NEJAC, and others.
 - Fully implement several Engagement Initiatives launched in FY 2022, including communications roll out strategies for Post-Award Compliance Review engagement, as well as a fully integrated process for including a civil rights component in existing environmental justice headquarters and regional stakeholder engagements, thereby leveraging existing resources to maximize the positive impact on overburdened communities.
 - Provide regular opportunities for community stakeholder engagement, such as, for example, open “office hours” and webinars with ECRCO staff.
 - Fully implement the strategic post-award compliance review planning process developed in FY 2022 to prioritize issue areas and other important criteria and target compliance reviews in overburdened communities.
 - Launch increased number of post-award reviews focusing on priority environmental justice issue areas.

11. Support for New Environmental Justice National Program Manager (\$3.0 M non-pay and 25 FTE), Lead: OEJ NPM

This investment provides 10 FTE for the immediate office of the Environmental Justice (EJ) National Program Manager (NPM) at headquarters, 15 management and support FTE in the regional offices, and additional contractor support for the new NPM to identify and evaluate opportunities to target environmental benefits more equitably and maximize investments. The new EJ national program manager will require immediate office staffing and this investment is to support core operations and administration. This investment will also directly support and enhance the effectiveness of the over-target proposal for 100 additional FTE to be embedded directly in communities with EJ concerns across the United States.

The new EJ National Program, as well as regional management of the EJ portfolio, will require additional support to coordinate a myriad of collaborations between multiple partners and stakeholders in addition to linking and coordinating their efforts across EPA programs to maximize program investments and opportunities by aligning funding and efforts across multiple programs. Part of the emphasis for this support will be to provide adequate management and staff to administer regular reporting and tracking of community-driven efforts, to evaluate long term impact of these investments in driving on-the-ground change for our country’s most overburdened and vulnerable communities, and to support the interagency and community engagement portfolio of the Assistant Administrator. These over-target resources will also focus on cross-agency implementation of EPA multi-year strategic performance measures – long-term and annualized – for EJ efforts across the agency. The FY 2022-2026 agency strategic plan contains an unprecedented level of EJ activity, integration, and reporting. These additional resources are critical to providing support, guidance, and

coordination for the consistent and effective implementation of those commitments across all EPA programs and regional offices.

EPA's FY 2022-2026 strategic plan contains a central goal on advancing EJ and civil rights (CR) across all of EPA's policies, programs, and activities, including providing an unprecedented level of financial and programmatic support for communities, partners, and other stakeholders. These additional resources will enable the new EJ Program to adequately track, report, and communicate on achievement of a host of precedent setting long-term and annualized performance goals. These goals will potentially include tracking the level of support, technical assistance, and training provided both internally and externally to partners and stakeholders; the integration of EJ and CR considerations throughout all priority actions and decisions of EPA; incorporation of EJ and CR requirements and/or suggestions through financial and other instruments critical to our relationships with state, tribal, and local government partners; EPA's advance of community-driven work as a central means of achieving our mission in communities with EJ concerns with a focus on working across EPA programs, and better coordinating and collaborating with partners and other stakeholders on implementation of holistic solutions to community identified EJ challenges.

12. Diversity, Equity, and Inclusion (\$2.63 M non-pay and 5 FTE), Lead: OMS

The EPA strives to be a model for diversity, equity, inclusion, and accessibility, where all employees are treated with dignity and respect. Accordingly, the agency must strengthen its ability to recruit, hire, develop, promote, and retain our Nation's talent and remove barriers to equal opportunity. EPA must also provide resources and opportunities to strengthen and advance diversity, equity, inclusion, and accessibility across the agency. The EPA should have a workforce reflecting the diversity of the American people to capitalize on diverse views and approaches and to serve as a model for inclusive governance. A growing body of evidence demonstrates diverse, equitable, inclusive, and accessible workplaces yield higher-performing organizations.

In line with President Biden's *Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce*, EPA is developing a preliminary assessment of the current state of diversity, equity, inclusion, and accessibility in the agency's human resources practices and workforce composition. The agency will then build a Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan to assess whether agency recruitment, hiring, promotion, retention, professional development, performance evaluations, pay and compensation policies, reasonable accommodations access, and training policies and practices are equitable. EPA will take an evidence-based and data-driven approach to determine whether and to what extent agency practices result in inequitable employment outcomes, and whether agency actions may help to overcome systemic societal and organizational barriers. Further, the agency will assess the status and effects of existing diversity, equity, inclusion, and accessibility initiatives or programs, and review the number of institutional resources available to support human resources activities. For areas where evidence is lacking, the agency will propose opportunities advance diversity, equity, inclusion, and accessibility, addressing those gaps.

These resources will support training, outreach, and FTE to support the implementation of EPA's DEIA Strategic Plan. The EPA DEIA Strategic Plan will identify the actions and activities necessary to assess the effectiveness of existing diversity, equity, inclusion, and accessibility programs, to ensure alignment with government-wide efforts and to augment programs and policies to foster a culture where all employees are treated with dignity and respect and removes barriers to equal opportunity. More specifically, these resources fund agencywide training for unconscious bias, micro- and macro-aggressions, and accessibility training. For employees, the agency will support workshops designed to help participants to understand their own filters and biases and ways to embark on necessary changes through a variety of approaches and techniques addressing what people think, what they do and how they feel about cultural differences and changes. Training will focus on specific personal and organizational challenges around inclusion with practice activities to apply core tools and facilitation skills to mediate these challenges. EPA will also target resources at senior levels to enhance awareness of the racial and equity impact of EPA's policies and procedures, introducing the idea that racism and oppression are systemic, institutional problems requiring structural intervention to dismantle.

This program supports Cross-Agency Strategy 3: Advance EPA's Organizational Excellence and Workforce Equity through Fostering a Diverse, Equitable, Inclusive, and Accessible Workplace. Success will be measured by the agency's capacity to educate and train the EPA workforce to foster a culture of diversity, equity, and by employing cultural change strategies to raise awareness, develop skills, build cultural competency, and embed capacity for growing and sustaining these changes.

Focus Area: Building the EPA Back Better

(Total: \$341.6 M, with 597.0 FTE)

Over the last decade, the budgets of EPA regional and headquarters offices have been squeezed as annual budgets have funded select accounts while many have not kept pace with the rate of inflation or payroll cost growth. Recognizing these reductions in operating budgets over the last decade, the goal of this focus area is to expand core program capacity to position the Agency to meet future needs and manage and award additional resources effectively and efficiently.

13. Restoring Core Capacity (\$90.3 M non-pay and 144 FTE)

Recognizing the erosion in EPA purchasing power over the last decade and the challenges faced in programs' operating budgets, funding is included for each National Program Manager to support their highest priority core needs. Programs have identified areas that would achieve the most significant long-term improvements in operations and core capacity.

OA (\$4.25 M non-pay and 10 FTE)

- **Restoring Capacity (\$4.25 M non-pay and 10 FTE), OA**

The Office of Administrator requests \$5.815 million and 9 FTE to support its core operations in program project Executive Management and Operations from the EPM

Fund. The requested funds will cover needed working capital fund and provide contract support for the agency's management operations and multi-media and risk communications.

The Office of Administrator requests \$185,000 and 1 FTE to support its core operations in the Small Business Ombudsman program project. The requested funds will cover OA's shortfall in working capital funds and provide support for the agency's small business program.

OAR (\$10.25 M non-pay and 10 FTE)

- **Federal Support for Air Quality Management (\$6.25 M non-pay and 6 FTE), Lead: OAR**

A total of \$6.25 million and 6 FTE would be used to provide additional critical resources for EPA's regulatory work regarding greenhouse gases from stationary sources in FY 2023. The oil and natural gas industry is the largest industrial source of U.S. emissions of methane and its facilities and operations also emit smog-forming volatile organic compounds and toxic air pollutants such as benzene. EPA will issue rules to reduce CO₂ and methane from stationary sources such as oil and gas facilities and power plants, among others. These actions meet the requirements of President Biden's Executive Order 13990 and are key steps toward EPA's commitment to deliver public health protections from these pollutants for communities across America. Electricity production generates the second largest share of GHG emissions and approximately 62 percent of U.S. electricity comes from burning fossil fuels, mostly coal and natural gas. Executive Order 13990 directs EPA to revise and address as appropriate the regulation of GHGs from fossil-fuel fired power plants. EPA will work with tribes, states, communities, and electricity system planners to coordinate CO₂ reductions, including, consideration of state energy policies and the ongoing power sector transition away from fossil fuels. EPA will carefully craft an equitable approach informed by engagement with communities and a fresh look at the policies, technology, and data.

- **Federal Vehicle and Fuels Standards and Certifications (\$4 M non-pay and 4 FTE), Lead: OAR**

A total of \$4 million and 4 FTE would be used to provide additional critical resources for EPA's core greenhouse gas (GHG) regulatory and compliance work in the mobile source sector in FY 2023. EPA will reduce GHGs from the transportation sector's two largest contributors to GHG emissions -- light-duty and heavy-duty vehicles. EPA will set robust federal GHG emissions standards for passenger cars and light trucks to secure pollution reductions through Model Year (MY) 2026. EPA will also set standards for MY 2027 and beyond, to speed the transition of the light-duty vehicle fleet toward a zero emissions future and update air pollution standards for heavy-duty vehicles. The regulations will set the U.S. on a course to achieve aggressive GHG and other harmful pollutant emissions reductions from highway transportation over the long term, paving the way for deploying rapidly developing trends toward zero-emission technologies and the substantial improvements in air quality they will make possible. EPA will also ensure GHG and air quality benefits and fair competition in the marketplace by testing

motor vehicles, heavy-duty engines, nonroad engines, and fuels to certify that vehicles, engines, and fuels that enter the U.S. market comply with federal clean air, GHG, and fuel economy standards.

OCFO (\$3.15 M non-pay and 2 FTE)

○ **Central Planning, Budgeting and Finance (\$3.15 M non-pay and 2 FTE), Lead: OCFO**

EPA is requesting \$3.5 M for the Agency's financial management program. The additional funds will allow the Agency to continue its efforts to modernize and streamline its financial systems and processes to improve efficiency and meet the evolving mandates for financial reporting. The work will include reviewing the payment processing systems that remain in operation in FY 2023 (three are slated to be decommissioned already) to determine what additional modernization is cost effective; examining new options for time and attendance systems; and further modernizing our data reporting systems and capabilities. The investment would also support upgrades to security access for financial system in compliance with federal cybersecurity requirements. In addition, the increase in funding for community infrastructure projects from the American Recovery Plan and other pending legislation would allow EPA to provide technical assistance and outreach to grantees. The outreach would include training in meeting federal requirements for ensuring sound financial management, thus lowering the barriers to the opportunities the funding can offer. EPA will also strengthen its internal reviews and processes to ensure proper payments to recipients.

Of this \$3.5 M, an estimated \$500 K would be regional and \$3 M will fund headquarters. Regional offices will need workforce support, training support, and program support.

The funding for headquarters will be used for the following:

- (1) Payment Processing Modernization \$685 K - This effort will review small legacy payment management systems and determining if those capabilities can be incorporated into the agency's core financial system (Compass) or if they can be automated, utilizing Robotics Process Automation (BOTS) to improve the efficiency of the associated business processes.
- (2) New Pay \$426 K – EPA will be transitioning to the New Pay System under GSA's Office of Shared Solutions and Performance Improvement. This request was removed from the FY 2022 proposal as GSA had delayed the project. In FY2023, EPA DOI may begin the gap analysis to transition to the new payroll solution in FY 2023 and EPA will need to support this effort.
- (3) Data Accessibility \$625 K - The overall goal of the Data Accessibility project is to increase transparency of financial data while ensuring appropriate security controls and data governance are in place. OCFO will analyze the available tools and data sources to determine the best approach for sharing this data and applying the appropriate levels of data governance to ensure continuity of the financial data when it is being shared.
- (4) Access Management \$329 K - The Access Management effort will focus on ensuring a standardized approach across all financial systems for granting access, managing

access and the ability to audit access in a structured manner. This will allow OCFO to address over 50 specific security controls.

(5) Other Operational Needs - \$570 K - The additional funds will be used to restore funding or cover projected operating shortfalls in the areas of systems, ECOS grants, interagency council funding and other contract needs.

(6) Additional 2.0 FTE - \$370 K- OCFO is also requesting to use a portion of the funds to cover the payroll and WCF costs for 2.0. FTE. These FTE will support the increased work in grant payments stemming from the new infrastructure initiatives.

OCSPP (\$10.25 M non-pay and 10 FTE)

- **Integrating Endangered Species Act Considerations into FIFRA Decisions (\$3.2 M non-pay and 10 FTE)**

Protection of federally threatened and endangered species from pesticide exposure is a high priority for the Biden Administration. Under the Endangered Species Act (ESA), EPA must ensure that federally endangered and threatened species are not harmed when it registers pesticides. Courts are fast becoming impatient with EPA's lack of compliance with the ESA and have increased the frequency and severity of decisions against the agency including striking down pesticide registrations. These legal outcomes are increasingly impacting the availability of pesticides that are fundamental to the United States' ability to feed its families; protect against harmful diseases transmitted by insects such as mosquitos; and conserve our nations' natural resources. The financial burden of these legal proceedings is escalating and could cost EPA millions of dollars in legal fees annually as well as redirect EPA's available resources away from working to protect these scarce natural resources to defending decisions that are not compliant with the ESA. Additional resources are critical to EPA's ability to enhance compliance with ESA and to protect our nation's most vulnerable imperiled species.

Additional \$3.2 M and 10 FTE would allow the Pesticide programs to carry out the following:

- (1) Implement endangered species protections for particularly sensitive species or areas with greater numbers of endangered species across a range of pesticides.
 - Initiate new strategy and implement protections for a pilot vulnerable specie(s) for a group of pesticides and species by the end of FY 2023; and
 - Implement protections for additional pesticides and/or species annually thereafter until completion.
- (2) Develop and implement approaches to comply with ESA for new pesticides.
 - Develop and pilot an approach for new pesticides by the end of FY 2023 and
 - Implement for all new conventional pesticides by the end of FY 2024 and thereafter.
- (3) Enhance the usability and functionality of the system and underlying data that the Pesticide program use to implement geographically explicit endangered species protections as has been recommended by states and EPA regions.
 - Initiate upgrades by mid FY 2023 and complete in FY 2024.

EPA would engage other federal partners such as the Fish and Wildlife Service, National Marine Fisheries Service, and US Department of Agriculture as appropriate and leverage their data and expertise to help identify vulnerable species and effective mitigations. These agencies also play important roles in the ESA consultation process. EPA would also engage with other stakeholders, such as registrants and grower groups as appropriate, to ensure that risk mitigations identified for species are feasible and practical.

The Pesticide programs will track the number of new pesticides registered that include consideration of federally threatened and endangered species, which is a long-term performance goal included in EPA's new draft strategic plan. EPA will also track the number of species protected from pesticide exposure through its proposed vulnerable species protection efforts described previously in this document. The additional resources will increase the extent to which new pesticide registrations can incorporate ESA considerations as well as increase the speed and breadth of vulnerable species protected from pesticide exposures. Investing in these improvements should ultimately reduce litigation on our FIFRA decisions, which in turn will benefit EPA's budget in the future.

This work will support improved results for OCSPP's draft long-term performance goals:

- By September 30, 2026, 90 percent of the pesticide regulatory decisions for new active ingredients will consider the effects to federally threatened and endangered (listed) species from a baseline of 50 percent in FY 2020.
- By September 30, 2026, 50 percent of the risk assessments supporting pesticide registration review decisions will consider effects to federally threatened and endangered (listed) species from a baseline of 25 percent in FY 2020.

Challenges with implementing the efforts described in this document include:

- (1) Some pesticide registration timelines are specified in other laws (e.g., Pesticide Registration Improvement Act, PRIA). These timelines are often insufficient to allow for full consideration of ESA unless additional efficiencies can be realized while complying with ESA. EPA will communicate with stakeholders so that expectations are clear and delays in decisions are minimized to the extent feasible.
- (2) Protecting listed species may require consultation with other Agencies. Resources available at those agencies could impact EPA's ability to implement ESA protections. If an increase in consultations with other agencies becomes apparent, then EPA will work with its federal partners to ensure that the consultation process is as efficient as possible. Nonetheless, we may be limited by the resources that our partners have for consultations.
- (3) Some stakeholders scrutinize Pesticide programs' actions related to endangered species and routinely litigate such actions. Litigation by stakeholders may continue to drain resources and could reduce EPA's ability to implement ESA protections. EPA plans to publicly communicate its intentions regarding the efforts described in this document and engage with various stakeholders in an attempt to reduce litigation and increase acceptance of these efforts across stakeholders.

(4) The use of the Pesticide Registration Improvement Act (PRIA) fees for EPA meeting its obligations under ESA is not feasible. The two types of fees the Pesticide Programs received are: (a) fees collected under PRIA, which are fees that are paid to support a new registration action; and (b) fees paid to maintain existing registrations (maintenance fees; also referred to as FIFRA fees). These fees only cover a fraction of the costs that EPA needs to evaluate and make decisions on pesticide registration applications and registration review decisions. The current level of funding is barely supporting the Pesticide Programs in making registration and registration review decisions without the added burden of including ESA determinations.

○ **Implementing TSCA 21 (\$7 non-pay)**

The Frank R. Lautenberg Chemical Safety for the 21st Century Act (LCSEA), enacted in June 2016, was the first major overhaul of a U.S. environmental statute in recent memory. LCSEA promised a broad array of far-reaching improvements to America's chemical safety scientific, regulatory, and information infrastructure by enabling EPA to use strengthened TSCA authorities to protect human health and the environment more effectively from chemical risks. EPA's early implementation efforts met with success, including establishing key rules laying out the frameworks under which EPA would act in implementing the amendments, initiating 10 multi-year risk evaluations of chemicals used extensively in commerce, initiating statutorily-mandated action to regulate five Persistent, Bioaccumulative, and Toxic (PBT) chemicals and refreshing the inventory of TSCA chemicals currently in use in commerce. EPA has struggled, however, to deliver on some of the LCSEA's promises. In particular, EPA has:

- Failed to meet statutory deadlines for completing nine of the first ten Section 6 EPA-Initiated Risk Evaluations;
- Determined that most of the first ten Risk Evaluations need to be redone to address scientific shortcomings and failure to satisfy statutory requirements;
- Achieved the 90-day statutory deadline for completion of Section 5 Submission Reviews in only 40% of the cases;
- Failed to reduce backlogs of delayed Section 5 Submission Reviews.

The \$7 million of additional non-pay resources requested in this Over Target request, in addition to the increased FTEs included in the FY 2022 President's Budget and anticipated doubling of TSCA user fees from an annual average of \$11 million to \$22 million, will enable EPA to improve performance in each of those critical work areas:

- In combination with adoption of a new staggered and clustered development approach, increase the percentage of on-time completions for future EPA-Initiated Risk Evaluations (those commenced in FY 2023 and later) from ten percent to 60 percent;
- Reduce the percentage of completed Risk Evaluations requiring rework from seventy percent to twenty percent;
- Increase the percentage of on-time Section 5 Submission Reviews.

Additional funding will support TSCA implementation, which is one of OCSPP core work, in the following areas:

- TSCA Section 5 - New Chemicals Program Support
OPPT conducts risk assessments and risk management activities for approximately 500 new chemical submissions per year to ensure the safety of such chemicals before they enter commerce. OPPT's New Chemicals Program, due to resource constraints, is meeting statutory requirements approximately 40% of the time, is failing to make adequate progress in reducing backlogs of delayed reviews and is providing only limited support to EPA's actions to address risks from PFAS. Backlogs of delayed cases increase and compete for resources with new incoming cases. Additional extramural funding will help reduce the backlog of delayed reviews and support additional rework for new cases and provide needed support to address PFAS actions.
- TSCA Section 6 - Existing Chemical Risk Evaluation and Risk Management
OPPT is responsible for developing existing chemical risk evaluations for chemicals identified as High Priority Substances through the prioritization activity described above. TSCA requires evaluations to be completed in three and a half years from the date of prioritization. EPA missed the deadline for nine of the first 10 risk evaluations initiated in December 2016. A key reason for the delays was the start up time required to develop an approach for implementing the new LCSA and scaling up to handle 10 simultaneous chemical risk evaluations. Additionally, no fees were collected for the first 10 risk evaluations, further limiting the resources available to conduct this work.

Going forward, EPA needs to increase risk evaluation throughput to 20 EPA-initiated chemicals and five to 10 manufacturer-requested chemicals every three and a half years. EPA estimated in the 2018 initial TSCA User Fees Rule that TSCA Risk Evaluations would be completed in three years at a cost of \$3.9M per evaluation. Experience has shown that at current funding and staffing levels, a similar set of 10 risk evaluations would require four years to complete. Drawing on cost accounting data developed for FY 2019 and FY 2020 relevant to the first 10 risk evaluations, EPA estimated the cost of developing TSCA-compliant risk evaluations to be \$5.7 M per chemical over three years. These additional resources, in combination with a new staggered and clustered development approach in which chemicals with similar characteristics will be developed on similar schedules with the effect of staggering completions and new initiations, will enable EPA to significantly improve on-time performance and quality.

Improved performance (timeliness and quality) in developing Risk Evaluations is also contingent on obtaining needed data in a timely manner. The Over Target resources will support issuance of additional Section 4 Test Orders and Section 8 Data Gathering rules to close data gaps identified in the Prioritization process and the Scoping stage of the Risk Evaluation process which will increase their quality and reduce rework following Peer Review and Public Comment.

Improved performance in developing Risk Evaluations will provide additional benefits beyond increased timeliness and product quality. Delivering higher quality Risk Evaluations on a timelier basis will increase EPA's delivery of the risk reduction benefits through earlier development and issuance of Risk Management Actions that will have increased likelihood of surviving litigation. The fact that more actions will be able to be initiated and completed on statutory schedules translates into the delivery of quantifiable human health and environmental chemical safety benefits.

The program would measure results through a combination of LTPGs, annual performance goals, and internal operational measures.

OECA (\$10.25 M non-pay and 10 FTE)

- **Civil Enforcement (\$5.5 M non-pay and 5.7 FTE), Compliance Monitoring (\$4.7 M non-pay and 4.3 FTE)**

OECA is monitoring compliance and enforcing environmental regulations to the extent current resources will allow. Despite the significant cuts over the last decade, the enforcement program has continued to deliver a positive average annual return on investment: \$6.5M per enforcement FTE (in civil and criminal injunctive relief and penalties). OECA, however, needs additional resources to have an appreciable level of field presence sufficient to ensure compliance.

In a recent report on the decline in resources for the enforcement program, the EPA Office of Inspector General noted that "funding for the EPA's enforcement program decreased 18 percent and the number of enforcement full-time equivalents, or FTEs, decreased 21 percent from FYs 2006 through 2018". *Report No. 21-P-0132, Resource Constraints, Leadership Decisions, and Workforce Culture Led to a Decline in Federal Enforcement, May 13, 2021*. "This historic decrease has resulted in significant loss of expertise over time and significant reductions in critical enforcement activities including inspections. Many regional offices lack expertise in certain statutory programs or can only support programs with minimal FTE".

OECA received some additional resources in FY 2021 from the American Rescue Plan (\$2 million for the Circuit Rider program and \$4.8 million for enforcement) and in the FY 2022 President's Budget (\$18.4 million in non-pay and 82 FTE for enforcement and \$6.3 million for compliance monitoring) which, if appropriated, will advance our efforts to focus on communities with potential environmental Justice concerns, and may have the ancillary benefit of strengthening the core program areas. However, these modest additions do not off-set the historic decreases in the enforcement program and the critical need to restore our ability to implement a robust program across all media and address emerging issues in core program areas.

Therefore, we are requesting an increase of \$10.2 million in non-pay and 10 FTE to support enforcement and compliance inspections. OECA proposes an increase to its FTE

to rebuild its compliance monitoring and enforcement work in areas that will have the greatest impact, such as OECA's national initiatives and Agency-wide priority areas, including lead and PFAS. OECA also proposes additional resources to ensure compliance with the environmental programs that cannot be delegated to states and those for which most states have not taken delegation. These include: CAA requirements for motor vehicles, engines and fuels, Chemical Accident Prevention, Wood heaters and stratospheric ozone; CWA requirements for preventing and addressing oil spills and spills of hazardous substances, Wetlands Protection and Biosolids Use and Disposal; TSCA requirements for new and existing chemicals, Lead Based Paint and PCBs; FIFRA requirements for pesticide registration; and EPCRA requirements for emergency planning and for Toxics Release Inventory reporting. While these requirements provide basic protections for the well-being of communities and the environment, they are currently minimally funded.

Regions, +5.7 FTE, +\$1.8 million in non-pay. FTE and resources will focus on the priority work, including compliance monitoring and enforcement under the six National Initiatives, lead, and FIFRA (e.g., disinfectants that falsely claim to kill the coronavirus), and Direct Implementation work (where there is no state program or state prefers EPA to take action, e.g., federal facilities).

HQ, +4.3 FTE and +\$8.4 million in non-pay. FTE will be used to conduct sampling and analysis crucial to building complex, multi-regional/ "corporate" and multi-media cases for the core and direct implementation program. The negative impact of recent FTE reductions is reflected in the significant drop in concluded civil actions - from 3,200 cases in 2011 to 1,595 in 2020. Additional FTE are critically needed where EPA is the only implementing Agency, including for most programs in Indian country.

In FY 2023, EPA will continue to develop and implement a comprehensive action plan for integrating environmental justice (EJ) and climate change considerations throughout all aspects of the Program. In addition to increasing the percentage of inspections impacting overburdened communities, EPA also provides greater public access to compliance data to promote a community's ability to better understand and manage risks. The Agency will increase our engagement with communities to share resources and work together to improve compliance. EPA will advance its efforts to address climate change mitigation and adaptation issues through targeting, monitoring, and technical assistance directed to sources with the most potential for noncompliant emissions of greenhouse gases and other compounds that contribute to or exacerbate climate change.

In addition, OECA is developing a Compliance Learning Agenda (CLA) in collaboration with states, tribes, and academics to identify the most pressing programmatic questions, and create a venue for EPA, states, tribes, and territories to collaborate in the development of evidence-based enforcement tools and techniques that will ensure the biggest impact on environmental compliance. We anticipate the final CLA in October 2021, with projects beginning and/or continuing through FY 2023.

OGC (\$4.25 M non-pay and 10 FTE)

For the Civil Rights and Finance Law Office (CRFLO), two more grant and 1 more appropriations attorneys are needed to provide critical legal advice on the extensive new grant programs in the area of climate, environmental justice, and water programs. Three more attorneys are needed in the Air and Radiation Law Office (ARLO) to provide legal advice on the expansive and complex climate work being undertaken by the agency. ARLO is currently working on significant regulatory actions to address climate change- methane standards for the oil and gas sector; CO2 and other standards for electric utilities; GHG standards for light duty vehicles; and implementation of the AIM Act, which requires a phase down of HFCs. These rules will be extraordinarily complex and resource intensive. The Air and Radiation Law Office also will be devoting significant resources to further Agency rulemakings to address climate change, such as more standards for light duty vehicles. Two attorneys are needed in the Cross-Cutting Issues Law Office (CCILO) to focus on Environmental Justice Work. EPA has no attorneys working full time on this vital and expanding area and is receiving many questions and requests for advice from across the agency. These attorneys would work closely with the Office of Environmental Justice and others to implement and institutionalize EJ, in addition to the cross-cutting application of EJ in other areas such as the National Environmental Policy Act.

The Pesticides and Toxics Law Office (PTSLO) needs an additional 2 attorneys to work on the exponentially increased TSCA work. PTSLO is deeply engaged in advising OCSPP on the ongoing implementation of the TSCA section 6 risk evaluation and risk management process as started in the prior administration, while simultaneously counseling the Agency on the significant reorientation they are pursuing when it comes to the ongoing and future implementation of TSCA section 6. This same dynamic is at play in connection with the Persistent Bioaccumulative and Toxic chemical rulemaking actions. At the same time, PTSLO is facing a significantly increased litigation workload. Numerous lawsuits already have been filed challenging the risk evaluations completed during the prior administration and additional lawsuits are fully expected as such prior actions are pulled back, in whole or in part, and revised in accordance with EPA's reoriented approach to risk evaluation. We also expect more litigation challenging the risk management actions that necessarily must flow from OCSPP's completed risk evaluations.

The remaining balance of \$4.2 M will be used to provide essential support for travel, training, equipment, workforce support, and program management contracts.

OIG (\$4.25 M non-pay and 10 FTE)

- **Environmental Justice**

Environmental Justice under the current administration will receive increased funding and play a major role in all EPA decisions affecting human health. Currently, the OIG does not have staff in place to ensure how well EPA is implementing one of its 2 top

priorities. A team of 3-5 persons would be needed to ensure EJ funding is being spent appropriately, as it will account for 50% of the \$1.8 billion in climate change funding, and that EPA programs are following the new guidance.

Despite the current administration's renewed commitment to environmental justice, there are no mentions of or metrics on environmental justice in the United States Environmental Protection Agency Fiscal Year 2020 Annual Performance Report, EPA-190-R-21-001, issued by then-Administrator Wheeler in January 2021. This issue should be addressed in the next agency performance report as the current administration lists it as a priority. The requested FY 2022 budget includes an increase of \$282 million and 172 FTE for the agency's environmental justice program. This is a significant increase from the last five years and reflects an intention of meaningful change in the agency's prioritization of environmental justice.

The challenge to the agency now is multifaceted: identifying the communities at risk, addressing the environmental hazards and cumulative risks they face, effectively communicating with these communities, and focusing disparate media programs on integrating environmental justice across the agency. Environmental justice and civil rights activists have stressed that efforts to evaluate and regulate complex environmental hazards are hindered by the "stovepiping" of environmental statutes and the EPA programs they authorize into media-specific silos. They believe that these silos impair the agency's ability to address broader enforcement and permitting issues. It is essential for the Agency to consider and endeavor to achieve a consistent and collaborative integration of environmental justice across the EPA.

Environmental justice also has two subcomponents: (1) Risk communication was previously a stand-alone management challenge and (2) Cumulative Risk Assessment is a promising process to adequately quantify the danger at-risk communities face from pollution. EPA will receive an influx of funding to support its EJ efforts. Unfortunately, EPA OIG does not have the manpower to properly and thoroughly oversee EPA's EJ program. We plan to overcome this obstacle by allocating the maximum number of resources to EJ oversight, while requesting additional resources to address gaps.

- **Climate Change**

The climate issue is the subject of a highly contentious political debate which can affect the EPA's long-term response as administrations and the Congress may change. Currently, as with most pollution issues affecting human health and the environment the EPA plan is to reduce the causes and mitigate the damage already caused. Although the effects of climate change may be mitigated there is no way to say that climate issues will ever be fully mitigated.

Climate change has significant impacts on human health and the environment due to increased heat waves and wildfires, more severe storms and floods, intensified droughts, snow melt, and rising sea levels. Climate change poses challenges for multiple EPA programs across air, land, and water. For example, climate change can worsen air quality through increased ground-level ozone, making it more difficult for states to meet the

health-based National Ambient Air Quality Standards⁵ and potentially causing increased morbidity and mortality from poor air quality. In addition, in 2019 GAO reported that about 60 percent of all nonfederal National Priorities List sites under the Superfund program are located in areas that could be impacted by climate change effects such as flooding or storm surges, which could damage remedies at these sites and lead to releases of contaminants.⁶ Further, extreme flooding resulting from climate change could also harm local drinking water supplies, leaving communities without safe drinking water.

Emissions of human-produced greenhouse gases, or GHG, are the primary driver of climate change. Atmospheric GHG levels have been increasing since the Industrial Revolution, and from 1990 to 2019 human-produced GHG increased by 45 percent.⁷ GHG can exist in the atmosphere for a few to thousands of years.⁸ There they act as a catalyst for climate change because they trap and prevent heat from escaping the Earth, accelerating climate change impacts as concentrations increase over time. Since heat cannot escape the Earth, this results in a net increase in land and sea surface temperatures. The net temperature increase causes significant changes to weather patterns such as rainfall, season lengths, and severity and frequency of weather events. Climate change will affect U.S. areas differently depending on geographic location.

EPA will receive an influx of funding to support its climate change efforts. Unfortunately, EPA OIG does not have the manpower to properly and thoroughly oversee EPA's climate change program. We plan to overcome this obstacle by allocating the maximum number of resources to maximize oversight, while requesting additional resources to address gaps.

OITA (\$10.25 M non-pay and 10 FTE)

- **Restoring Capacity (\$10.25 M non-pay and 10 FTE)**

Tribal: A series of Executive Orders and initiatives from the Administration on Climate Change and Environmental Justice that apply to the EPA, specifically the EPA Tribal Program, will require significant FTE and financial resources to be implemented, overseen, and reported on by EPA. EPA's tribal activities, while implemented throughout the agency's program and regional offices, have a central focus in the Office of Tribal and International Affairs' American Indian Environmental Office. This office received significant core funding and FTE cuts in the past Administration and its ability to implement the current Administration's priorities will be severely tested at the FY 2022 President's Budget level. The following Administration and Agency priorities will be supported by this over target request:

- Executive Order on Environmental Justice which seeks to reduce the historical inequality in environmental law protections in Indian country by strengthening

⁵ EPA [website](#), *Air Quality and Climate Change Research*, last updated on May 26, 2021.

⁶ GAO, *Superfund: EPA Should Take Additional Actions to Manage Risks from Climate Change* [GAO-20-73](#), October 2019.

⁷ EPA [website](#), *Climate Change Indicators: Greenhouse Gases*, last updated on July 14, 2021.

⁸ EPA [website](#), *Overview of Greenhouse Gases*, last updated on July 27, 2021.

EPA implementation of federal environmental programs in Indian country and through increased EPA tribal capacity building. Funding will ensure that federal law protections are uniformly in place and applied in Indian country for environmental health and welfare. The EJ40 guidance classifies “tribal jurisdictional areas” as within the definition of EJ Communities which immediately, by definition, greatly expands EPA with agency-wide oversight and development of policies and procedures for all federally recognized tribes with jurisdictional areas. Initially, the Agency will develop a new competitive grant opportunity using American Recovery Act funding targeted to tribes to integrate environmental justice principles into their environmental protection program operations, and EPA will work to incorporate all necessary tribal EJ layers on EJScreen.

- Executive Order on Climate Change which seeks to strengthen the adaptive capacity of tribes to address climate change concerns with a focus on equity for the unique cultural aspects of vulnerable tribal communities.
- Executive Order on Tribal Consultation which requires EPA provide the resources to conduct full consultation engagement activities for all appropriate EPA actions under the existing EPA Policy on Tribal Consultation, and to ensure treaty rights consultation are conducted in accordance with to EPA policy.
- EPA Strategic Plan and EPA Indian Policy resolves past underfunding of administrative and technical assistance aspects of tribal-capacity building and EPA application of federal laws in Indian country. Funding will measurably improve the following specific EPA priorities: the quality of EPA-Tribal Environmental Agreements (ETEPs) especially regarding EPA regulated facilities and entities to achieve mutually agreed upon tribal government and federal government environmental priorities, the use of PPGs as a flexible funding tool to accomplish EPA and tribal priority work, the effective use of the Indian General Assistance Grant Program (GAP), an increase in EPA tribal data quality and data availability on EJ Screen allowing for better decision-making, and related activities.

The above activities directly support the new EPA Strategic Plan, specifically Goal 2: Taking Decisive Action to Advance Environmental Justice, Section 2.1: Promote Environmental Justice at the Federal, State, Tribal and Local Levels and EPA Cross Agency Strategy #4.

In addition, the following activities directly support the new EPA Strategic Plan, specifically under Goal 1, Objective 1.3: Advance International and Subnational Climate Efforts – Collaborate with international partners to provide leadership on the global stage to address climate change at the national, local, and tribal levels:

- *Border:* The 2,000-mile border between the United States and Mexico is one of the most complex and dynamic regions in the world. The adoption of the Border Programs continues to advance the protection and improve the health and environmental conditions along a border that extends from the Gulf of Mexico to the Pacific Ocean. In Texas alone an estimated 500,000 people live in 2,294 colonias, which are unincorporated communities characterized by substandard

housing and unsafe drinking water that also exist in Arizona, New Mexico, and California. Transboundary pollution poses significant economic and environmental impacts along the region that share common airsheds, watersheds, and land. Binational strategies with active engagement from community stakeholders, local, state, federal, and Tribal authorities while prioritizing environmental equity in vulnerable and underserved communities are the most effective to mitigate impacts from climate events. The Border Program will focus on air pollution reductions in binational airsheds, work on reducing emissions through energy efficiency and alternatives or renewable energy projects, and by FY 2025, maintain effective air quality monitoring networks with timely access to air quality data along the border region. EPA will assist in providing training on, and in the purchase of, emissions testing equipment and help determine whether imported vehicles already meet U.S. emission standards by providing information on U.S. emission requirements for used autos.

- *Climate:* Without basic governance infrastructure, it is difficult for many countries to make progress on their Nationally Determined Contributions (NDCs) under the Paris Agreement, which opens the Agreement to criticism about lack of developing country action on climate. EPA is relied upon as the ‘gold standard’ internationally for a wide range of environmental assistance, including on climate change. EPA’s role in fulfilling the objectives of EO 14008 within the federal family is to provide expertise and capacity to key priority countries so that they too can set and meet ambitious greenhouse gas reductions on the road to COP26 and beyond. EPA will provide climate governance and equity capacity building programs for priority countries.

Tribal: In addition, there are two draft tribal program EPA Strategic Plan Long-Term Performance Goals:

- EPA direct implementation programs will put in place the necessary actions to ensure that EPA directly implemented programs are as effective and robust inside Indian country as EPA requires these protections to be outside of Indian country. (Goal 2 Environmental Justice; Objective 1)
- EPA will enhance its ongoing efforts to integrate consideration of tribal treaty rights into all EPA tribal consultations that may affect tribal treaty rights. EPA recognizes the importance of respecting tribal treaty rights. *The EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights* establishes clear agency standards for consultations when an EPA action or decision may affect tribal treaty rights. (Cross-Agency Partnership Strategy)
- *Border:* A FY 2023 performance measure is, *The number of Border 2025 actions implemented along the US-Mexico Border region to improve water quality, solid waste management, advance air quality programs including those that address climate change, and advance emergency response effort.* This annual performance metric provides data on EPA actions on the US-Mexico Border that result in the provision of tools and capacity building activities that

when utilized by partners that advance improved water quality, solid waste management, advance air quality programs including those that address climate change, and advance emergency response effort along the border region.

- *Climate:* The performance measure for these activities would be: The total number of countries provided with climate governance and equity tools that lead to improved capacity in the country. This would be tracked as internal EPA performance measure and would result in collection of data that demonstrates OITA's efforts to support countries' work to improve adaptive capacity and mitigation strategies at all levels of government, including with underserved and indigenous/tribal communities improve their ability to enforce climate regulations, and implement their Nationally Determined Contributions (NDCs) of the Paris Agreement. This investment also supports the draft Long-Term Performance goal that EPA implement at least 40 international climate engagements that results in a commitment for partner actions to reduce greenhouse gas (GHG) emissions, adapt to climate change, or improve resilience in a socially equitable manner.

An inherent challenge to working internationally are changes in government and leadership that may jeopardize an initiative or commitment. In part to address this possible shift in government-based personnel or priorities, capacity building is designed to establish linkages to existing national organizations and other mechanisms that could take on the role of ensuring long-term coherence and sustainability.

OLEM (\$11.5 M non-pay and 60 FTE)

- **Brownfields: \$1.3 M non-pay and 60 FTE for Brownfields Community Development Specialists.**

The Brownfields Program is fundamentally a community support program. The heart of this community support are the 80 FTE dedicated to the communities and reflected in the 1,000 cooperative agreements open in a typical year. These Community Development Specialists also manage land revitalization projects, provide one-on-one financial planning support, and educate tribal, rural, and EJ communities on how to address brownfields. Our specialists are EPA community ambassadors and are the backbone of the success of the program. They bring unique technical and program management experience, as well as public and environmental health expertise, to individual brownfield communities. The communities we work with have achieved incredible things, but there is no doubt without the skilled guidance of our EPA Community Development Specialists, the program would not be where it is – at the nexus between environmental revitalization and community development.

In FY 2021 the Brownfields Program performed a detailed workload model analysis and identified a significant barrier to engaging with communities. The workload model identified that the program was operating with half the FTE needed to be effective long-term. A lack of resources reduces outreach and communication with communities. This investment of 60 regional FTE will provide expanded technical assistance and build capacity in small, rural, EJ, and other historically disadvantaged communities. An

increase in regional FTE will help to address these problems and enable the program to reach more communities.

EPA's Brownfields and Land Revitalization Program is successful because it directly invests in communities. Highly skilled EPA staff build relationships with individual communities, bringing brownfields expertise and experience alongside grants and technical assistance to guide each community through the entire brownfields assessment, cleanup, and reuse process. Grant funding alone does not meet the needs of the EJ and historically disadvantaged communities across the country who want to reuse brownfields safely and sustainably.

The Agency has seen a 7% decline in new grant applicants over the past five years and a 39% decline over the past decade, reflecting an example of the Agency's inability to reach new communities who are struggling with brownfields challenges. Additionally, without additional resources several regions have been forced to disinvest in the Targeted Brownfields Assessment program that assists EJ and disadvantaged communities.

The investment may contribute to the Long Term Performance Goal of number of Brownfields properties cleaned up.

- **Federal Facilities PFAS Cleanup: \$10.2 M total**

The EPA is overseeing the work of the Department of Defense (DoD), the Department of Energy and other federal agencies that have released PFAS into the environment. EPA oversight includes ensuring adherence to CERCLA and EPA guidance, and overall protection of human health and the environment through reviewing and providing technical responses to sampling plans, quality assurance plans, sampling results, conceptual site models, joint selection of remedies, and monitoring of the design and implementation of selected remedies. While PFAS is not limited to Federal Facility or DoD cleanups, the DoD is on the forefront of PFAS cleanups as they continue to identify PFAS at a significant percentage of their sites (in Region 4 alone, 70 percent of federal facility sites require CERCLA PFAS response actions). The FY 2021 Omnibus included \$300 million for DoD to cleanup PFAS, but EPA did not receive additional funding for its statutorily mandated role to ensure efficient, timely and protective cleanups. EPA, at current capacity, is not able to keep pace with DoD's expanding PFAS cleanup workload. This \$10M investment will prevent EPA from becoming a bottleneck in cleanup of these sites.

An investment of \$10 million in non-pay for EPA's PFAS cleanup programs will address critical gaps in EPA's ability to oversee DoD's surge in PFAS cleanup under CERCLA. Without a significant FY 2023 investment, EPA will fall further behind in its statutorily mandated oversight responsibilities, become a significant process bottleneck and further slow PFAS cleanups needed to protect human health and the environment. DoD has testified to Congress about these same concerns. Many Federal Facility PFAS cleanups are in disproportionately impacted communities that may have environmental justice concerns, and it is imperative that cleanups not be slowed due to EPA's

insufficient Federal cleanup oversight resources. Knowledge developed for Federal Facilities will be leveraged by EPA to aid other PFAS cleanups as they are identified to facilitate faster and more efficient cleanups. In addition, EPA anticipates work in FY 2023 to develop methods to identify and characterize PFAS.

This investment would reduce the CERCLA pipeline durations for associated actions at Federal Facility Sites by giving the Program the resources needed to oversee PFAS work for which the other Federal Agencies will accelerate through approved budget plus ups.

Based on information gathered by EPA, DoD will initiate approximately 20 new RI/FS's in FY 2023 and each year through FY 2025, with additional RI/FS's initiated even after FY 2025. The 'snowballing' of workload adds an even greater stress point on EPA's resources. EPA must keep pace with increasing workload or risk becoming the bottleneck to progress at these sites.

ORD (\$11.65 M non-pay and 2 FTE)

- **Research: Chemical Safety for Sustainability (\$3 M non-pay)**

The Chemical Safety for Sustainability (CSS) Research Program will provide scientific and technical approaches, information, tools, and methods to make better-informed, more-timely decisions about chemicals and their potential risks to human health and the environment. CSS products strengthen the Agency's ability to evaluate and predict human health and ecological impacts from the use, reuse, recycling, and disposal of manufactured and naturally occurring chemicals and their by-products. Additional resources will help bolster and expand research to develop new approach methods (NAMs) that focus on replacing, reducing, and refining the use of mammals and other vertebrates in testing, while accelerating the pace of chemical assessment and decision-making. Of particular importance are 'chemicals of immediate and emerging concern,' such as PFAS, which heighten the need for rapid, scientifically-sound approaches to evaluate potential chemical safety. This investment will support improved results in ORD's draft long-term performance goal: By September 30, 2026 Increase the percentage of ORD Research Products meeting partner needs.

- **Research: Sustainable and Healthy Communities (\$4 M non-pay)**

The Sustainable and Healthy Communities (SHC) Research Program will conduct research to support the following broad community-based goals: (1) accelerate the pace of contaminated site cleanups; (2) return contaminated sites to beneficial use in their communities; (3) protect vulnerable groups, such as communities with environmental justice concerns and children; (4) revitalize the most vulnerable communities; and (5) understand the connections between healthy ecosystems, healthy people, and healthy communities. Additional resources well help provide communities affected by contaminated sites with information on how to become more resilient to and adapt to climate change and supports efforts to protect children's health and revitalize communities. The research also informs EPA regional offices on ways to address

critical health impacts of vulnerable populations. These efforts support community sustainability and increase community resilience to natural disasters including those impacted by climate change. This investment will support improved results in ORD's draft long-term performance goal: By September 30, 2026 Increase the percentage of ORD Research Products meeting partner needs.

- **Research: Safe and Sustainable Water Resources (\$3 M non-pay)**

The Safe and Sustainable Water Resources (SSWR) program will address current, emerging, and long-term water resource challenges including aging water infrastructure, contaminants of existing and emerging concern, waterborne pathogens, antimicrobial resistance, harmful algal blooms and hypoxia, stormwater runoff, and water shortages. SSWR will produce robust research and scientific analyses for decision-making and the development of innovative, practical solutions for the Agency and its stakeholders to protect and restore America's watersheds and water infrastructure. Additional resources will allow the SSWR program to continue and expand efforts to ensure the availability of safe drinking and recreational waters, especially in disadvantaged communities. This investment will also aid ongoing efforts to integrate the impacts of climate change with research on water bodies and water infrastructure, including wildland fire, extreme drought and precipitation events, harmful algal blooms, and other impacts on water quality and availability. This investment will support improved results in ORD's draft long-term performance goal: By September 30, 2026 Increase the percentage of ORD Research Products meeting partner needs.

- **Regional Lab and Applied Science Support (\$825 K non-pay and 1 FTE)**

The Regional Science and Technology (S&T) program supports the agency's strategic goals by performing critically needed laboratory analyses, and mobile laboratory services to provide credible scientific data on environmental pollutants and conditions to Agency decision makers. The RS&T program also assists state environmental agencies by providing specialized technical assistance and by helping build tribal capacity for environmental monitoring and assessment. Additional resources will help the regional offices provide the immediate scientific information needed by EPA programs, states, tribes, and local communities to make short-term local decisions and enable the regional labs to assist in response efforts in the event of emergencies such as natural disasters, oil spills, and chemical releases. This investment will support improved results in ORD's draft long-term performance goal: By September 30, 2026 Increase the percentage of ORD Research Products meeting partner needs.

- **Superfund: Remedial (\$825 K non-pay and 1 FTE)**

This supports the provision of scientific analysis in support of the cleanup work at more than 20 National Priority List (NPL) sites with new remedial construction projects currently awaiting funding. Cleaning up America's most contaminated land and reducing toxic substances are critical components for the Agency to bolster human health, particularly in underserved communities where many of these sites exist. This investment will support improved results in ORD's draft long-term performance goal: By September 30, 2026 Increase the percentage of ORD Research Products meeting partner needs.

OW (\$10.25 M non-pay and 10 FTE)

- **Surface Water Protection (\$3.8 M non-pay and 6.3 FTE), Drinking Water Programs (\$6.5 M non-pay and 3.7 FTE)**

In alignment with the Biden-Harris Administration, the Office of Water plans to embed equity practices into all programs and processes going forward. In addition to inserting equity into OW's programs and processes, OW plans to also hire additional staff that will become equity champions. With these resources, OW will develop a professional staff which can provide technical assistance, resources, tools, skills, strategies to institutionalize equity, and environmental justice practices into everything that we do, which will transform how we engage with communities moving forward. The additional FTE hired are essential so that OW can hire people with the right background and training to help lead our office towards our new equity frame of mind.

In addition, these resources will fund training, equity assessments, and implementation of Justice40. OW also plans to use these resources to go towards funding new contracts, to prepare for regional or OW increased needs such as equity assessments completed, training for current OW staff, and additional contractor support for Justice40.

The resources are currently allocated to OW HQ. Regional offices will benefit from these programs and resources when equity needs arise, such as completing an equity assessment associated before finalizing a project. OW did not allocate any resources to the regions at this time to allow flexibility to shift resources to the areas where equity needs arise. The FTE in HQ will also help the regions and HQ offices begin embedding equity in the day-to-day work as well as provide guidance where needed.

14. EPA Climate Resiliency and Sustainability (\$55 M non-pay and 18 FTE), Lead: OMS

EPA is committed to the climate resiliency and sustainability goals of the Biden-Harris administration and, through the support of this proposal, is prepared to lead by example and pursue aggressive energy, water and building climate resiliency projects at agency facilities. The impacts of climate change are already evident and will intensify according to current trajectories. This proposal will support the completion of the facility infrastructure projects needed to meet expected federal energy, water, and greenhouse gas sustainability targets. This will be accomplished by completing architectural and design and mechanical systems projects such as electrical, water/steam, and HVAC improvements which will be established for the agency at all of its facilities.

This investment will also support physical and operational resiliency for EPA by funding physical upgrades to EPA-owned facilities that may experience the impacts of climate change, such as sea level rise, power resiliency, and storm protection. This investment aligns with E.O. 14008's commitment to sustainable federal infrastructure, a clean energy future, and goal to achieve net-zero emissions by 2050.

There is a longstanding need for this proposal and EPA has already identified over a dozen B&F building efficiency construction and renovation projects across EPA's owned and leased facilities. Ongoing operational needs in the agency's Buildings and Facilities (B&F) fund consistently exceed our annual appropriation, making it impossible to pursue building efficiency projects without additional investment. EPA has identified over a dozen facilities with "shovel-ready" climate resiliency projects, including locations at Cincinnati, OH; Newport, RI; Gulf Breeze, FL; Ann Arbor, MI; Edison, NJ; and RTP, NC. These FTE associated with this investment will provide engineering and project management for the nationwide projects.

In addition to the previous projects, this Over Target will also support the Ann Arbor facility ESPC. The National Vehicle and Fuel Emissions Laboratory (NVFEL), located in Ann Arbor, Michigan, is a state-of-the-art facility that provides emission testing services for motor vehicle, heavy-duty engine, and nonroad engine programs in support of rulemakings, enforcement actions, and test procedures development. It is an integral part of the Office of Transportation and Air Quality (OTAQ). An important need are costs related to repair, replacement and operations and maintenance (O&M) of NVFEL's extensive HVAC infrastructure. These needs are covered by a type of facility contract, known as an Energy Savings Performance Contract (ESPC), that will expire at the end of calendar year 2022. If the ESPC expires without a replacement, then EPA will become responsible for daily O&M and repair and replacement of its HVAC equipment - the majority of which will be 20+ years old and approaching the end of its service life. (Repair and replacement alone of the HVAC system is estimated to cost \$25 million). For a new ESPC to be put into place that is cost-effective over the long-term (i.e. the ESPC enables the Agency to make annual payments for the HVAC repair, replacement, and O&M at a manageable level) before the current ESPC ends, an estimated buydown of \$10 million is required.

While EPA's efforts to plan for sustainability goals and mitigate climate threats to EPA facilities brings some certainty, the impacts of climate change on EPA operations and physical infrastructure continue to remain unknown. EPA should be a role model on climate resiliency and sustainability, but EPA cannot initiate climate assessments or mitigation work until the agency receives a significant increase in the B&F appropriation.

15. Implementing the American Innovation in Manufacturing Act (\$55 M non-pay and 40 FTE), Lead: OAR and OECA

This proposal would fund required rulemakings and collaborative enforcement and compliance assurance efforts under development pursuant to the American Innovation and Manufacturing (AIM) Act of 2020 to facilitate the next phasedown stages for hydrofluorocarbons, or HFCs. Developed to replace ozone depleting substances (ODS), HFCs are potent greenhouse gases commonly used in many sectors of the economy including refrigeration, air conditioning, aerosols, solvents, and fire suppression. The resources would also provide the Agency with the means to jumpstart efforts needed to meet future obligations under the Kigali Amendment (e.g., preparation for annual reporting, expanding associated partnership programs).

The proposal builds on FY 2021 AIM Act-related investments and those in the President's Budget for FY2022, requesting additional resources for key IT regulatory infrastructure to ensure EPA can fulfill its legal obligations under the AIM Act and leverage the Clean Air Act to advance climate and other air quality goals. In addition, the proposal restores the full capabilities of EPA's ENERGY STAR and other climate partnership programs, which are important tools for meeting the directives in E.O. 14008, 13985 and 13990 as well as fulfilling the U.S.'s Nationally Determined Contribution under the Paris Agreement to the UNFCCC.

This proposal supports expanded efforts by OAR, OECA and the Department of Homeland Security to initiate an HFC Enforcement Task Force, whose permanent mission is to ensure U.S. compliance with the AIM Act. The task force would identify, intercept, and interdict illegal HFC imports, share data to support allowances, train customs officers and enforcement personnel, and address common HFC import experiences with other countries. EPA will need to implement new HFC allowance modules, expand its ODS tracking system to assess ongoing compliance, and stand up an entirely new enforcement and compliance regime. EPA would leverage our experience working with Customs and Border Protection (CBP), the Department of Justice (DOJ) and other federal partners to successfully enforce federal laws related to HFCs. Critically important to success in this media, are dedicated analysts in the criminal enforcement program to research, assess and coordinate with federal partners, private industry, and task force members. It will also ensure EPA's criminal enforcement division has the capacity and technical expertise to investigate, analyze, sample, test, transport, and store HFCs.

The funds support several additional rulemakings in FY 2023 that will be required for the next stages for the HFC phasedown, as well as ongoing required regulations for industry transition. As of August 2021, EPA has received 12 petitions from industry, environmental groups and state governments asking EPA to initiate rulemakings to restrict the use of HFCs across multiple industry sectors in the economy including air conditioning and refrigeration, foam blowing, aerosols, solvents, and fire suppression. Once EPA receives a petition, according to the statutory requirements of the AIM Act, the Agency must grant or deny the petition within 180 days and then complete a rulemaking within two years. This means that in FY 2023, EPA could be undertaking up to 12 rulemakings in addition to the other AIM implementation activities. The funds also support work to update programs related to emissions of ozone-depleting substances and HFCs, such as those managing the servicing of refrigeration and air conditioning equipment, to reflect the mandates in the AIM Act.

This proposal restores the capacity of the Agency's climate partnership programs, funding several system upgrades and product specifications which will achieve significant energy and emissions savings. This includes major product specifications in the ENERGY STAR product program and updates to Portfolio Manager. EPA has delayed upgrades and improvements to ENERGY STAR and other partnership programs, which are significant and consequential tools in reducing air pollution beyond regulatory reductions. These programs operate in nearly every sector of the economy including residential and commercial buildings, industrial plants, and the power sector. This proposal will also ensure that EPA can update critical functionalities of data systems to meet 2023 regulatory deadlines for

emissions reporting and implement the new Mercury and Air Toxics Standards (MATS) e-reporting rule.

The requested resources for implementing the AIM Act are critically needed for EPA to achieve the proposed Agency Priority Goal for phasing down HFCs by 2024. This work also supports Strategic Plan Objective 1.1: Reduce Emissions that Cause Climate Change.

EPA does not anticipate legislative concerns regarding implementation of this over target request. Inability to properly implement the AIM Act raises the risk of being out of compliance with statutes, as well as increasing global warming through the continued emissions of HFCs. Insufficient funds will impact EPA's ability to deliver on key Administration goals including meeting the directives in E.O. 14008, 13985 and 13990 as well as fulfilling the U.S.'s Nationally Determined Contribution under the Paris Agreement to the UNFCCC.

16. Regional Science and Technology to Strengthen EPA Labs (\$13.8 M non-pay and 10 FTE), Lead: ORD

The work of EPA laboratories provides the essential scientific underpinnings to understand risks to the environment and to communities in a changing world, especially the most highly exposed, vulnerable, and affected communities. Regional EPA laboratories support EPA's mission by providing sound, and legally defensible scientific data to support decisions by multiple stakeholders including EPA regional and state/tribal environmental programs, addressing the Agency's highest priority needs including, emerging contaminants like PFAS chemicals, harmful algal blooms, and pernicious legacy contaminants like lead. The regional labs provide cutting-edge science to inform immediate and near-term, multi-media decisions on environmental conditions, emergency response, compliance, and enforcement, and to inform communities at risk from increasing challenges from climate change, chemical exposures, and from infrastructure that needs to be updated or replaced.

Strong science needs strong equipment. Scientific equipment generally has a life expectancy of 7 to 10 years, often times less. Over the next few years, more than 60 percent of the analytical instruments in EPA's Regional Laboratories needs to be replaced to achieve a 10-year replacement cycle. This investment will provide \$13.8M and 10 FTE to be allocated strategically across all ten regional offices for replacement and upgrading of aging analytical equipment and modernization of the associated critical IT infrastructure. In some cases, instruments have been in service well past their useful lifespan, which increases maintenance costs and is less efficient. These older instruments have been heavily used and require regular and increasingly expensive maintenance to keep them operational, which drains money away from new equipment purchases and is not a prudent use of EPA's resources. In addition, these instruments are dependent on outdated software that cannot be updated to be consistent with Agency needs. At a time when it's more important than ever to stay current with cutting-edge analytical technologies necessary to meet customer needs, including those of vulnerable communities, the capacity of EPA's Regional Laboratories to meet those needs is threatened.

Vulnerabilities associated with regional laboratories' aging equipment infrastructure have been demonstrated by recent national and world events. Natural disasters driven by a changing climate are increasing in frequency and magnitude. Extreme precipitation, wildfires, storms, heat events, and drought directly affect ecosystems and public health, and pose direct impacts from releases of toxic materials from contaminated sites, untreated wastewater and stormwater from overwhelmed systems, and hazardous air quality. Extreme weather events often disproportionately affect vulnerable populations including fence line communities that are most closely adjacent to chemical facilities. As extreme weather events increase in frequency, the public expectation for a rapid and effective response will continue to grow over time. These events often require assistance from the regional laboratory network for quick turnaround sample analyses as well as mobile laboratory services and technical support. When extreme weather events occur, local area laboratories can become overwhelmed. During the response to winter storm Uri in 2021, Regions 4 and 7 needed to divert resources to Region 6 when, due to problems with aged mobile laboratory equipment, they were unable to assist communities whose drinking water was threatened.

Additionally, the national pandemic exposed a significant vulnerability in the Agency's ability to be responsive in dynamic and constrained work environments. Substantial limitations to operational capacity and adaptability exist in most regional laboratory settings because the existing analytical and related IT infrastructure does not support a virtual work environment. Due to dated software systems and instrumentation, analysts are unable to connect remotely to their instruments to monitor performance, harvest data, and conduct critical diagnostics. Modern instrumentation and operating systems allow for that type of connectivity and efficient operations in ever-changing work environments.

Underserved communities will benefit from this investment through increasing the capacity and securing effective response times for both routine and enforcement sample analyses related to Superfund and Brownfield sites in urban areas where legacy contamination persists. This investment would directly support the effort to provide necessary additional protection to fence line communities by providing capacity for increasing inspections and compliance assistance to nearby oil and chemical facilities as well as identifying those at-risk communities where aging water infrastructure needs replacement. These efforts support recent executive orders on addressing climate change and environmental justice concerns.

Fully funded, this proposal will enhance the ability of the Regional Lab Enterprise to process analytical samples of high quality with maximum speed and efficiency for customers. Month to month, this will lead to a greater number of Regional Labs meeting closely monitored timeliness targets, leading to stronger performance of the sample turnaround time metric. Additionally, the ability to increase the capacity of sample analyses across the Regions will assist EPA program offices to meet long held strategic objectives e.g., helping more community water systems meet health-based standards and meeting various air and water compliance goals.

Equipment Replacement

The resources requested in this proposal were determined based on the costs associated with a normal replacement cycle for regional analytical equipment, according to the useful life of the

instruments. Newer instrumentation has many advantages over the older equipment, such as lower maintenance and analytical costs and reduced analytical time. These instruments can also provide the ability to detect a wider range of chemicals at lower concentrations. Newer instruments use up-to-date software and advanced information interfaces that allow data to be immediately uploaded for processing, reporting, and sharing, which complies with current Agency IT Security requirements. In addition, extended warranties for new instruments can be purchased, which is less expensive over time than service contracts. The agency will also seek to leverage procurement options between regional laboratories, as well as Office of Research and Development (ORD) and program office labs to realize purchasing efficiencies.

Establish New Capacity

This proposal also includes an investment in new instruments to support analysis of priority contaminants, which can help with new chemical analysis needed in emergency responses (e.g., oil spills, chemical releases, and natural disasters), and enable EPA laboratories to effectively screen, identify, and quantify emerging contaminants. PFAS is an example of an emerging contaminant that requires new analytical instrumentation to analyze non-target pollutants in relevant environmental concentrations in a variety of media. As one of EPA's top priorities, the Agency needs reliable, sophisticated instruments that have the capacity to detect and quantify a wide range of PFAS compounds making their way into the environment from industrial and consumer products. New instruments are also required to analyze microcystins, anatoxin-a, and cylindrospermopsin, the toxins associated with harmful algal blooms, at low concentrations of concern to public health. Excessive nutrients and toxic blooms impact recreational and public drinking water resources and are another increasing impact of climate change. Another contaminant that has recently gained a good deal of press and public concern is ethylene oxide. This pollutant requires sophisticated analytical instrumentation to measure the relevant levels of concern in air.

Additional FTE will allow laboratories to hire staff that will enable them to increase capacity and expand expertise associated with the growing needs of threatened communities as well as to address emerging and persistent threats from climate change and from contaminants such as PFAS and lead.

FY 2023 Activities and Milestones:

- *Activity Description:* Replacement of older and high-maintenance equipment will begin. This will assist in meeting growing demands related to emerging contaminants (e.g., PFAS) and providing reliable timely routine analyses essential for EPA programmatic support. This investment will also help ensure providing the regional lab network with the capabilities to meet tight turnaround times during national emergencies.
- *Activity Description:* Increased analytical capacity involving new method development using state of the art equipment. This investment is needed to address high priority contaminants and expand the capability for screening, identification, and quantification of emerging contaminants. The FTE investment will ensure there is sufficient technical expertise in EPA's Laboratory Enterprise to operate equipment that establishes new capabilities for the Administrator's priorities and to screen,

identify, and quantify emerging contaminants in vulnerable and highly exposed individuals in impacted communities.

- *Milestones and Associated Timing*: Prioritize the replacement of 50% of the oldest laboratory equipment across the regions.

To ensure that the allocation of resources across the regional offices is made strategically, the process will be based on a careful consideration of the existing inventory of analytical equipment in the regions and the results of the Regional Laboratory Workload Assessment, along with factors such as existing expertise, special regional needs, opportunities to leverage purchasing power with EPA's Laboratory Enterprise, and the potential to share analytical capabilities across multiple regional offices.

17. Cybersecurity (\$11 M non-pay and 4 FTE), Lead: OMS

This Over Target request directly supports implementation of EO 14028: Improving the Nation's Cybersecurity. The cybersecurity landscape is constantly evolving, cyber-attacks across critical infrastructure sectors are rapidly increasing in volume and sophistication, impacting both IT and operational technology systems. Agencies face new challenges and threats that must be prepared for so that systems and data assets are not left vulnerable. EO 14028 establishes clear goals for Federal cybersecurity, including adoption of Multifactor Authentication, Encryption, and Zero-Trust Architecture; taking concrete actions to protect the supply chain. Resources in the FY 2022 President's Budget for the Agency's cybersecurity program are insufficient to meet or exceed the requirements laid out in the EO while maintaining compliance with existing FISMA cybersecurity requirements.

Resources provided under this investment will directly support the achievement of Long-Term Performance Goal: By September 30, 2026, EPA will increase the adoption of multifactor authentication and Encryption for 100% of EPA FISMA systems from a July 2021 baseline of 40%. EPA maintains additional internal performance metrics associated with to breach response times, resolution of vulnerability POAM, etc that will provide indications of performance associated with this investment.

EPA will endeavor to ensure all Agency IT systems support multifactor authentication (MFA) and encryption for Data at Rest (DAR) and Data in Transit (DIT). EPA has over 127 FISMA boundaries that support the Agency's IT systems and infrastructure, as of FY 2021, approximately 40% of FISMA boundaries have MFA implemented. Resources from this investment will support the adoption of MFA across the remaining 60% of FISMA boundaries by leveraging the Enterprise Identity and Access Management (EIAM) tool that utilizes the Agency's core access management controls that combines a USAccess PIV credential and a user known PIN code. Some Agency systems continue to utilize outdated and unsupported IT infrastructure (such as Windows XP) that leaves them vulnerable to attacks and threats; funding will also support the transition planning of these systems to a modern infrastructure for which vulnerabilities are better addressed.

EPA will continue to leverage the Continuous Diagnostics and Mitigation (CDM) Program to address cybersecurity protection gaps, and quickly identify and respond to federal-wide

cybersecurity threats and incidents. The CDM Program will continuously monitor the interior EPA network boundary for unauthorized assets, through the expansion of endpoint detection and response capabilities, cloud security technologies, and other emerging program capabilities. Funding for this Over Target will provide a dedicated funding source to support the CDM program.

Zero Trust Architecture is a set of system design principles, and a coordinated cybersecurity and system management strategy based on an acknowledgement that threats exist both inside and outside traditional network boundaries. Through the implementation of a Zero Trust Architecture, the Agency will deploy comprehensive security monitoring capabilities; granular risk-based access controls; and system security automation in a coordinated manner throughout all aspects of the infrastructure to focus on protecting data in real-time within a dynamic threat environment. To implement this security model, the Agency will leverage the CDM Program capabilities and other tools to support this security architecture.

Supply chain risk increases when software includes significant vulnerabilities that adversaries may be able to exploit, such as in the FY 2021 Solar Winds intrusion. To mitigate this, EPA will work with Cybersecurity and Infrastructure Security Agency on the establishment of baseline security standards for development of software sold to the government. EPA will coordinate across Information Technology, Information Security, and Acquisitions communities to reduce risk to the Agency's supply chain.

18. Coal Combustion Residuals (\$8.5 M non-pay and 88 FTE), Lead: OLEM

The passage of the Water Infrastructure Improvements for the Nation (WIIN) Act in 2016 established areas of new responsibility for EPA, including a coal combustion residual (CCR) permitting program. The WIIN Act included provisions for the approval of state programs, creation of a federal program for tribal lands and for states which do not adopt a program, as well as new enforcement authority over the previously self-implemented program. The program has expanded as a result of court decisions. For example, EPA has been required to address 'legacy' CCR units which are not currently regulated under the 2015 Disposal of Coal Combustion Residuals from Electric Utilities Rule.

EPA has worked to meet these new responsibilities with existing staff and funding. As the program moves into implementation, while still pursuing additional needed rulemaking, we have reached the point where EPA does not have adequate resources to do the work required to fulfill our obligations and succeed in our mission to protect human health and the environment. Additional resources are needed to conduct this large body of new work in a timeframe that allows for adequate and timely protection of the environment.

This work is aligned with the goals of the Administration and Administrator Regan. Many of these facilities have been disposing of CCR for decades in a manner that is not protective of communities, including environmental justice communities. Work on CCR is also a major element of EPA's overall focus on the power sector and ensuring that we move in a protective manner towards addressing the pressing threat of climate change.

Resources will provide for the capacity to address ongoing work and program implementation. EPA is working to approve state permit programs which are essential to bringing state authorities and resources into play to manage the large universe of CCR facilities. Without this investment, we estimate that the current and increasing workload will take 15-20 years to complete.

Additional resources will also support the establishment, effective development, and launch of the federal permitting program. Without this investment, state permit programs will be put in place at a rate of 1-2 per year, needed rulemaking will extend well into the future, and facilities will proceed along closure and corrective action paths that may be non-compliant and not protective of human health and the environment.

EPA is in the process of evaluating 66 applications under regulatory provisions that allow facilities to request an extension or exception from the deadline to cease placing waste in unlined CCR surface impoundments. That workload is putting pressure on our ability to conduct the rulemaking and state approval work discussed above.

Through EPA's analysis of the 66 applications and work done to assess efforts being made across the larger universe of CCR facilities, EPA has found a significant level of non-compliance. This is in the form of improper assessments of groundwater impacts, inadequate corrective action plans, non-protective closure plans, and various other areas which have a tangible impact on human health and the environment. Without this investment, EPA will only be able to pursue a very limited number of facilities to require compliance.

Lastly, EPA's CCR efforts require significant legal counselling and support. EPA has seen significant litigation on past CCR actions and that is likely to expand as we finalize the additional rulemaking and move towards implementation.

While realistic goals can only be set once EPA knows what resources are available, some possible areas to be considered will include: 1) the number of state permit programs approved; 2) the number of federal permits proposed or finalized; and 3) additional metrics relevant to beneficial use and/or legacy units, depending on the results of those rulemaking efforts. As for measuring benefits gained through investment in the Agency's enforcement program, one possible method is to measure the volume of contaminated media addressed and hazardous waste reduced associated with each enforcement tool (i.e., compliance agreement, notice of violation) issued.

19. Implementing the Evidence Act (\$6 M non-pay and 14 FTE), Lead: OCFO with OA, OMS, OW, OECA, and OAR

The Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act) requires agencies to look at the effectiveness of their programs in a structured way. Evaluation is an assessment using systematic data collection and analysis to assess programs, policies, and organizations.

Another emphasis is on increasing capacity for evidence building and use throughout the Agency. Work in this area will increase the use of program evaluation and evidence building to inform Agency program, policy, and resource decisions. Also important, this work will improve the data and statistical information available to assess impacts of programs on underserved communities.

EPA has embarked on a multi-year effort to strengthen how the Agency identifies, prioritizes, and undertakes evidence-building activities and develops evidence-building capacity to inform policy and decisions. This effort includes:

- developing and implementing a learning agenda that identifies significant questions that, when answered, will support the Agency in achieving its mission;
- conducting a capacity assessment for evidence-building and program evaluation, and implementing strategies to improve areas identified;
- creating a centralized organization to support Agency evidence-building and program evaluation efforts.

Agency Learning Agenda

As part of this on-going effort, in FY 2023 the Agency proposes the activities below to support EPA's four learning agenda priority areas: improving air pollution benefits analysis with evolving science, drinking water systems out of compliance, workforce planning, and grant commitments met. EPA's FY 2023 over-target resources will advance evidence-building efforts in these areas.

Learning Agenda Priority Area: Improving air pollution benefits analysis with evolving science

EPA will use FY 2023 over-target resources to fund the National Academies of Science (NAS) to review best practices for considering emerging evidence and gauging whether the science is mature enough to be used in benefits methodologies to support policy decisions. Work under this learning priority will strengthen EPA's ability to evaluate the suitability of new epidemiologic studies and other science to support EPA clean air benefits assessments.

This is consistent with past practice on important scientific questions, including benefits analysis methods. EPA's charge to NAS will be informed by stakeholder input and a series of case studies illustrating several ongoing science-policy questions EPA is confronting. These case studies could address questions including:

- How should EPA improve its approach for estimating air pollution-attributable effects at lower concentrations (i.e., those well below the prevailing National Ambient Air Quality Standards)?
- What methods should EPA use to estimate the economic value of reducing exposure to hazardous air pollutants, particularly among highly susceptible populations?
- How can EPA account for the role of long-term exposure to pollution in promoting population susceptibility? To what extent do repeat acute exposures to air pollution place populations at greater risk of chronic effects and premature death?
- How can EPA characterize the interactive effects of exposure to multiple air pollutants and stressors?

- How should EPA characterize the distribution of air pollution effects among susceptible and vulnerable populations?

The scientific literature addressing the relationship between air pollution and health is voluminous. New science may provide evidence of previously unquantified benefits and this raises the question at what point is science mature enough to support benefits analysis that in turn informs policy decisions. The NAS is the appropriate body to review more far-reaching interpretation and application of science, and more importantly established guidelines for how evolving science should be considered.

Key milestones to be completed by end of FY 2023 with over target resources:

- Establish an external expert panel under the NAS to review and identify best practices for reviewing emerging evidence and gauging the maturity of science to support policy decisions.
- Conduct an NAS workshop on specific topics related to the following:
 - Approaches for improving exposure estimation and addressing uncertainty at low exposure levels (PM_{2.5} and other pollutants)
 - Methods for estimating health benefits of reductions in hazardous air pollutants
 - Valuation techniques and approaches for health endpoints across multiple pollutants (criteria, HAP)
 - Methods to analyze the distribution of environmental, public health, and quality of life burdens and benefits so that we can identify and address disproportionate impacts

To accomplish the above, the additional 2 requested scientist FTEs would support the preparation of draft materials for NAS. They would also help compile and review information from NAS and respond to requests for information from NAS.

This learning priority supports Goal 4, Objective 1, Improve Air Quality and Reduce Localized Air Pollution and Health Impacts and EPA's Cross-Agency Strategy 1: Ensure Scientific Integrity and Science-Based Decision Making.

Learning Agenda Priority Area: Drinking Water Systems Out of Compliance

EPA will use FY 2023 over-target resources to involve additional state partners in studies to assess drinking water data reported to EPA to determine whether they accurately measure national compliance and substantiate EPA policy decisions. The studies will consider noncompliance root causes and corresponding technical, managerial, and financial factors and the efficacy of technical assistance, enforcement, and state oversight. EPA will also begin an analysis to identify metrics of system technical, managerial, and financial capacity for early identification of at-risk drinking water systems. The analysis will test existing and new predictive analytic tools designed to identify at-risk systems, such as models that use system financial information to predict sustainability risk. The additional state partners will increase the power of the resulting data.

Drinking water noncompliance is greatest in small, disadvantaged communities and may be higher than EPA data suggests due to failures to monitor and report. Work under this priority area will help the agency focus efforts to improve drinking water system compliance.

With over-target resources, by the end of FY 2023 the Agency will have improved data availability and will allow EPA to accelerate the schedule for project milestones including studies initiated and completed, analyses conducted, and results available. EPA will be able to assess EJ issues more quickly for the drinking water program (for example, census data, Rural Utility Service data, and system boundary data to inform an EJ focus). Another performance indicator will be study size in terms of scope and number of participants in study designs. The over-target funds will support additional participants and potentially broader scopes of studies designed to answer questions about the efficacy of enforcement and inspection policies and to identify metrics for technical, managerial, and financial capacity in drinking water systems.

An additional 3 FTE with social science and program evaluation expertise will accelerate evidence-building activities by increasing EPA's capacity to manage processes associated with data collection, information sharing, stakeholder involvement, academic partnerships, administration, communication and technical direction of analyses and studies.

This learning priority supports Goal 2, Objective 2.1, Promote Environmental Justice Efforts at the Federal, Tribal, State, and Local Levels and Objective 2.2, Embed Environmental Justice into EPA's Programs, Policies, and Activities; Goal 3, Objective 3.2, Detect Violations and Promote Compliance; and Goal 5, Objective 5.1, Ensure Safe Drinking Water and Reliable Water Infrastructure. This learning priority is also aligned with Cross-Agency Strategy 1: Ensure Scientific Integrity and Science-Based Decision Making and Cross-Agency Strategy 4: Strengthen Tribal, State, and Local Partnerships and Enhance Engagement.

Learning Agenda Priority Area: Workforce Planning

EPA will use over-target resources to develop integrated workforce plans for all 21 first-level organizational components and identify leading practices for recruitment, employee engagement, career development, and knowledge transfer. EPA also will develop a summary of key skills gaps across the Agency and a plan for closing identified gaps and reducing disparities along gender, racial, and targeted disability categories. Work in this learning priority will support the EPA's mission, now and in the future, by identifying and implementing the best strategies to attract, recruit, train, and retain a diverse workforce. EPA will use FY 2023 over-target resources to:

- Analyze the effectiveness of internal and external recruitment strategies
- Enhance employee engagement
- Develop an employee career progression model
- Conduct an attrition root cause analysis
- Assess current strategies for knowledge transfer to identify best practices, with attention to leading practices for individuals with differing abilities
- Partner with OPM and other agencies to advance EPA's workforce priorities

With over target resources, by the end of FY 2023 the agency will:

- Survey key stakeholders on the future of work within the environmental science field and summarize responses and next steps for EPA
- Backfill the Agency Employee Engagement Officer
- Hire an experienced knowledge management specialist within OMS
- Align EPA's succession management process with leading knowledge transfer processes.
- Provide data and concrete plans to address challenges and barriers to attracting, recruiting, training, and retaining a diverse and talented workforce
- Complete or made significant progress toward implementing an enterprise-wide employee engagement strategy and leading internal and external recruitment strategies

To accomplish the above, EPA will use the 2 requested FTEs to onboard expertise in employee engagement, knowledge management/knowledge transfer programs within large organizations, competency modeling and career pathing, (which is different from general career development) and/or, expertise in statistics, data analytics, and program evaluation within the Diversity, Equity, Inclusion, and Accessibility realm. This learning priority covers all program areas and supports all strategic goals. It is aligned with Cross-Agency Strategy 3: Advance EPA's Organizational Excellence and Workforce Equity.

Learning Agenda Priority Area: Grant Commitments Met

Over-target resources will be used to assess the extent to which two additional EPA grants programs achieved their intended environmental results (beyond assessing one grant program that is funded in EPA's proposed base budget). In FY 2022 the Agency will develop criteria to assess the ability of programs to successfully monitor grantee performance, with a specific focus on tracking environmental outcomes and outputs. The agency will pilot the use of these criteria to assess a few programs, which will be prototypes for ongoing assessments of Agency grant programs and development of a system that compiles the outputs and outcomes of most of the Agency's grant programs. Once completed, this system will provide high-quality evidence to inform decisions on resource allocation and use to achieve intended outcomes.

Every year, EPA awards over \$4 billion in grants and other assistance agreements. Through these grants, EPA helps to protect human health and the environment through the work of small non-profits, academic institutions, states, tribes, territories, and local communities. Although EPA's grant policies require each award be tied to the Agency's Strategic Plan and that the environmental results associated with grant actions be clearly established, the management and tracking of the individual awards is dispersed amongst approximately 1,400 staff throughout headquarters and EPA's ten regional offices. The Agency's process for tracking grant-related activities is fractured and not comprehensive; this leads to an inability to proficiently evaluate environmental outcomes on a national scale.

With over-target resources, by the end of FY 2023 the Agency will have:

- Collected and analyzed select grant program data
- Published preliminary results

The 4 FTEs requested for headquarters and regional offices to support this effort will need knowledge of the agency's grant programs including those the regional offices administer, experience with grants management, knowledge of the Grant Reporting Efficiency and Agreements Transparency Act, and familiarity with performance measurement.

This learning priority covers all program areas and strategic goals. It aligns with Cross-Agency Strategy 4: Strengthen Tribal, State, and Local Partnerships and Enhance Engagement. EPA's work under this priority area will further Agency efforts to effectively report on the outcomes of taxpayer dollars and to make informed resource decisions.

Strengthening program evaluation and evidence building at EPA

The Evidence Act promotes program evaluation as an essential component of federal evidence building. Evaluation is an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency. This effort will advance an evaluation culture through a bottom-up approach and increase Agency-wide engagement in program evaluation. It also provides an opportunity for capacity building throughout the Agency by engaging programs and regions with less experience in evaluation and broadening the types of evaluations that the agency conducts. Work in this area will increase the use of program evaluation and evidence building to inform Agency program, policy, and resource decisions.

Over-target resources will be used to establish a central evaluation function with extramural and in-house expertise to support program evaluation and other evidence building activities across EPA, including:

- Supporting 3-4 program evaluations identified by programs and regional offices that will lead to significant return on investments. These program evaluations will be related to Agency priorities beyond those that are included in the learning agenda.
- Developing and maintaining a network of external experts to support Agency staff in learning agenda implementation and other Agency evidence-building activities. Activities will include convening expert reviews of guidelines and methods, sponsoring and/or convening events to share the 'state of the science' regarding evaluation, supporting the advancement of equity and community engagement in environmental evaluation. This effort will leverage existing networks and engage external experts to increase EPA's capacity to conduct evaluation and other evidence-building activities and collaboratively advance the field of environmental program evaluation.
- Implementing strategies to address the gaps identified by the capacity assessment on a , and to implement evidence-building activities in alignment with EPA's scientific integrity and evaluation policies. Strategies will include the training and tools to support manager and staff ability to increase capacity within their organizations. Over-target resources would be devoted to implementing these strategies on a more accelerated schedule, and to develop important tools and products that EPA would not otherwise deliver. For example, the training approach would include deliverables that EPA does not have the resources for in the base budget, such as developing a version of the training for the Fed Talent platform to allow for better access to training about the Agency's evaluation policy, for both current and new employees.

With over-target resources, by the end of FY 2023 the agency will have:

- Initiated and/or completed 3-4 program evaluations
- Sponsored and/or convened activities with academics and other evaluation experts to build and maintain EPA's environmental evaluation network
- Implemented activities for EPA managers and staff (training, tools) to address needs identified by the capacity assessment.

Over-Target Challenges include:

Improving Air Pollution Benefits Analysis with Evolving Science

- The completion of this project is contingent on receiving additional targeted funds to support this effort.
- The results of stakeholder engagement and how it will inform the NAS change cannot be known in advance
- EPA has a contract with NAS with 2 years remaining, however, the Agency anticipates the need for additional task orders to establish the NAS panel. Whether additional panels tasked with specific reviews can be accommodated under the current contract is unknown, given the timeline for development and implementation of the task orders. EPA also anticipates the need for a follow-on contract for NAS that would be utilized for specific targeted reviews.

Drinking Water Systems out of Compliance

- There is a risk that the resources developed through this effort will be insufficient to support the intended outcome of the effort. For each evaluation, the Agency is developing, where possible, interim products that serve multiple purposes, both for the learning priority question evaluation as well as other program uses. EPA is developing a contingency plan to address delays.
- Only a small portion of drinking water compliance data are housed in EPA's SDWIS database. States have compliance data, but some are reluctant to share them with EPA. Some states make the data open to the public through Drinking Water Watch. EPA will begin working early with states and invite them as collaborators on the Drinking Water Learning Agenda. EPA will also use the publicly available data as a starting point.
- A potential major challenge may occur if the data sets states are willing to give to EPA or that already are public are not similar to the data from states that are not willing to share (i.e., sampling bias). For example, states that are willing to voluntarily share their data with EPA or the public compared with states that are not as transparent may have higher compliance rates and/or implement their program differently.
- The drinking water program under the Safe Drinking Water Act is delegated to authorized states, thus state participation in RCTs will be critical. EPA will need to recruit states willing to participate. Controlling for variations among state approaches and among drinking water systems will present a significant challenge. Upfront work will be done to ensure study designs and use of appropriate statistical methods are used to account for the variations and can produce statistically significant results.
- EPA regional offices will be asked to use inspection and enforcement tools in new ways. Without piloting changes in the use of these tools, EPA likely will have trouble

learning under what circumstances they are effective. Working through the National Compliance Initiative for Drinking Water Compliance, EPA will attempt to get regional buy-in for the RCTs.

- EPA will have to overcome definitional problems in which a simple notice of violation (NOV) and a formal enforcement action with a binding compliance schedule are lumped together as enforcement actions, when in fact they are very different. While the use of NOVs is common, EPA suspects the use of formal enforcement actions is much less common and these two different tools will need to be distinguished to advance learning on when formal enforcement works.
- State participation in the RCTs is critical to the success of this effort, since the primacy agencies implement and enforce the National Primary Drinking Water Regulations, and the sample sizes would be increased. Working with additional organizations necessarily adds complexity. EPA will use lessons learned from other studies that have included states.
- While EPA has had success collaborating with academic researchers without providing the researchers with funding, EPA will spend time finding university researchers who are both interested in this work and can engage in it without EPA funding. This somewhat limits the pool of academics.

Workforce

- There might be low participation among stakeholders in the evaluation and analysis of EPA workforce planning tools and communication plan. This possible challenge will be mitigated by enlisting the buy-in and support of senior leaders, the Human Resources Council, and other key stakeholders to help promote the process prior to its start and keeping in constant contact with those stakeholders during the evaluation and analysis process.
- Once EPA's competency assessment tool is enhanced and the Agency begins conducting assessments of its Agency-specific MCOs, there might be low completion rates across the Agency and/or in certain organizational components. This possible challenge will be mitigated by enlisting the buy-in and support of senior leaders, the Human Resources Council, and other key stakeholders to help promote the process prior to its start and keeping in constant contact with those stakeholders during the evaluation and analysis process. Numerous training sessions will be conducted and recorded, and the competency assessment tool's User Guide and website will be refreshed to reflect the enhancements and ensure users understand how to navigate the tool. In addition, the existing help desk email address and telephone number will be maintained to give users timely access to support.
- There might be low participation among stakeholders in the evaluation and analysis of EPA workforce planning tools and communication plan, including lower than expected completion rates for interviews, surveys, and focus groups. This possible challenge will be mitigated by enlisting the buy-in and support of senior leaders, the Human Resources Council, and other key stakeholders to help promote the process prior to its start and by keeping in constant contact with those stakeholders during the evaluation and analysis process.
- Once TED is enhanced and EPA begins conducting skills assessments, there might be low completion rates across the Agency and/or in certain organizational components.

This possible challenge will be mitigated by enlisting the buy-in and support of senior leaders, EPA's Human Resources Council, and other key stakeholders to help promote the process prior to its start and by keeping in constant contact with those stakeholders during the evaluation and analysis process. In addition, numerous training sessions will be conducted and recorded, and TED's User Guide and website will be refreshed.

Grant Commitments Met

- Delays in receiving data and information. For example, EPA issued a survey to the headquarters program offices and the regional offices collecting data on practices and tools for gathering grant program outputs and outcomes. Delays in receiving this information can affect the timing of other phases.
- Through approximately 1,400 project officers, EPA administers approximately 105 grant programs, each defined by its own set of laws, regulations, and policies that can change annually, in conformance with the Agency's priorities. Currently, there are on the order of 6,000 active grants across the Agency, each with an unknown number of specific commitments. EPA will be thoughtful in assessing what data are needed to answer each question and determining what data currently exist and what need to be collected to fill gaps. EPA will determine in advance how it will analyze the data to answer the questions and will collect data in a way that supports those analyses.
- The Agency plans to pilot a data collection tool with a subset of regional offices to ensure that it is a reliable instrument and that the data collected fulfill the anticipated need. EPA will refine the tool as needed before expanding its use to the complete universe of programs. EPA will involve internal stakeholders in the analyses to ensure the accuracy and utility of findings.
- EPA anticipates there will be a wide range of practices for monitoring grantee performance and, due to the lack of clear metrics and/or a clear directive to track individual grant activities, the data collection may reveal gaps. EPA also understands that a one-size-fits-all approach for grants management may not be appropriate across the Agency's grant programs. EPA will ensure both the national program and regional grant managers are closely involved in the criteria development for what constitutes a "successful" model for assessing grantee performance.

Strengthening program evaluation and evidence building at EPA

- EPA investments in evaluation requires the hiring, retaining, and developing qualified employees to oversee evaluation activities Agency-wide. Current OPM organizational and position classification policies provide significant barriers to filling positions with candidates possessing the necessary skill and expertise. EPA will work closely with OPM, the Evaluation Officers' Council and EPA human resource professionals to develop the best possible strategies for attracting and hiring qualified staff.

20. Grants and Contract Officers (\$1 M non-pay and 53 FTE), Lead: OMS

EPA must scale up its federal grants and contractor workforce to support the priorities and Executive Orders of the Biden Administration, including those focusing on agencies

supporting underserved communities, ensuring the future is Made in All of America, and managing global supply chains. This investment will enable national programs to target their critical resources on environmental and programmatic priorities in partnership with the states, tribes, and local governments rather than redirecting program funding to the administrative management requirements of their programs.

EPA's purchasing and financial assistance spending remains among the agency's most powerful tools for promoting business development opportunities to underserved businesses and communities across the country. To better leverage this spending, Executive Order 13985, and the subsequent Biden-Harris Administration Fact Sheet issued on June 1, 2021, call for a comprehensive approach to affirmatively address the barriers that underserved communities and individuals face in pursuing federal acquisitions and financial assistance funding. The Fact Sheet specifically requires agencies to "assess every available tool to lower barriers to entry and increase opportunities for small businesses and traditionally-underserved entrepreneurs to compete for federal contracts."

EPA's equity assessment and related industry listening sessions conducted pursuant to Executive Order 13985 confirmed that small and disadvantaged businesses face unique challenges in accessing procurement opportunities. These businesses often lack dedicated resources and in-house capacity to master the myriad of complex federal requirements needed to capitalize on agency acquisition and financial assistance opportunities. Disadvantaged business owners and industry leaders further made clear during EPA's listening sessions that this barrier is particularly acute in areas and regions outside of the agency's headquarters location, where businesses lack direct access to program decision-makers and information to identify and ensure their competitiveness for procurements.

One FTE targeted to each region will assist in providing a holistic and comprehensive approach to help level the playing field. The request provides each region with a local small business expert to effectively engage and provide technical assistance to small and disadvantaged business entrepreneurs in the region, who may feel detached from the relevant social networks, relationships, and resources. The FTE optimizes efficiency and effectiveness by strategically aligning the outreach, education, and goal setting responsibilities for increasing the utilization of disadvantaged businesses in procurements funded under EPA financial assistance awards with the separate but complimentary statutory function of expanding small business participation in EPA acquisitions on the prime and subcontracting levels. This will ensure optimum expertise, resources, tools, and support to expand disadvantaged business access to awards funded with EPA extramural dollars.

Resources provided under this investment will directly support the achievement of the following Long-Term Performance Goal: By September 30, 2026, EPA will increase to the percentage of contract spending to socially and economically disadvantaged businesses to 20% for Small Disadvantaged Businesses, 6% for Women-owned Small Businesses, 4% for HUBZone businesses, and 4% for Service-Disabled Veteran-Owned Small Businesses. This measure tracks the percentage of total EPA contract spend awarded to socially and economically disadvantaged businesses. Individual targets are established for specific categories of these businesses and data is generated by the EPA Acquisition System (EAS).

Contract spending results include dollars awarded to small businesses as a prime and sub-contractor.

This support is critical to maintain HQ and regional baseline operations in contracts and grants that serve as the foundation for EPA programmatic work. Regions have indicated that these resources also support workforce support costs for funded FTE in the regions. These resources include FTE to provide technical assistance and support to ensure that socially and economically disadvantaged businesses have equal access to EPA prime and subcontract awards. These resources also include FTE, in furtherance of EO 13985, to administer the Agency's DBE program, work with Agency partners and stakeholders to include environmental justice considerations into grants policies and requirements and provide underserved communities better awareness and access to the Agency's financial assistance opportunities.

As flat-lined Operations and Administration (O&A) budgets have been get squeezed by growing payroll and fixed costs in recent enacted budgets, resources for regional operations have been reduced. This request allows HQ and regional grants and contract offices to mitigate this squeeze on O&A resources to ensure regional offices aren't faced with making difficult decisions to scale back or discontinue services.

21. Permitting Support (\$6 M non-pay and 20 FTE), Lead: OA

With these over-target resources, including \$6M and 20 FTE, we will work across all EPA program offices and with state, local and tribal co-regulators to support the coordination, streamlining, oversight, automation, and integration of environmental justice (EJ) and climate change for environmental permitting. This increase is directly related to increasing demands associated with significant new funding for major infrastructure projects, the high priority for integrating EJ and climate change into EPA and other federal permits and decision-making, and the resource efficiencies and public transparency that e-permitting and automation provide. It also supports the long-term goals to coordinate and implement best practices to facilitate permitting of major infrastructure projects, including carbon capture/utilization/sequestration and renewable energy projects (e.g., offshore wind, geothermal and solar energy projects).

The \$6M will be used as follows: \$1M to support the integration of EJ into permits through tools and training, and \$5M for electronic permitting and automation work that will allow EPA to embed climate and EJ considerations into permitting processes and provide much greater public access to permit information including status.

The 20 FTE will be employed as follows: 1 FTE for Office of Federal Activities (OFA) EJ in permit training work, 5 FTE to the permit programs (2 to OW, 1 RCRA, and 2 to CAA) to serve as liaisons to OFA to represent their programs needs for the tool, 4 FTE to OFA to work on permit automation with the programs and the Office of Mission Support (OMS), and 10 FTE to go to OMS to support permit automation.

As part of this effort, OMS will partner with OFA to co-lead the automation of all of EPA's permitting processes, including applications and associated monitoring reports, and to resolve

any technology and security challenges. OFA will co-lead this process by being the liaison between OMS and all program offices to ensure the automation fits their needs and provides consistency across programs in the automation process. Permit automation will eliminate the resource-intensive iterative completeness review process associated with permit applications, greatly improve EPA's turnaround times on issuing permits, and decrease the amount of time between receiving monitoring data and engaging in enforcement actions if necessary. These efficiencies will eventually allow existing FTEs to focus on the new permitting priorities of EJ and climate, but this modest initial investment is needed to achieve those longer-term efficiencies.

The e-permitting systems will be designed to allow access to and use by state, local and tribal authorities with EPA delegated programs. Permit automation systems will embed climate change and EJ considerations within the permit processes and ensure that they are addressed within the terms and conditions of the permit. The e-permitting systems will allow immediate access to the tools and data that an applicant needs to assess climate and impacts. Furthermore, placing all permit data in an electronic form in a centralized system will enable the creation of new geographic databases that can be used for regulatory analysis, performance tracking, priority setting, cumulative impact assessments, enforcement, and public information access. Fully electronic permits will also provide transparency and allow citizens to easily search, track and access permitting actions in their communities.

Long Term Performance Goal

By 2026, 100% of EPA permitting programs will have a cradle-to-grave automated online permitting system. OMS will work with OFA to ensure that the permitting program stakeholder requirements/needs are incorporated into the online tool.

Annual Performance Goal

By 2023, 100% of EPA permitting programs will have an online permit application tool. OMS will work with OFA to ensure that the permitting program stakeholder requirements/needs are incorporated into the online tool.

22. Science Advisory Board (\$400 K non-pay), Lead: OA

The EPA relies on using the best available science and a credible, defensible, and transparent scientific process to support sound regulatory actions is a cornerstone value of the EPA. The proper public peer review of agency work is critical for our credibility and successful decision making. The Science Advisory Board Staff Office (SABSO) supports the EPA's mission by conducting independent, scientific, public, peer reviews of some of the most challenging regulatory and science-based topics facing EPA and America. For FY 2023, the SABSO is requesting that our funding level be restored to match previous enacted budgets of \$618,000, an increase of \$400,000.

As of August 2021, SABSO already has 10 requests for the Science Advisory Board (SAB) from EPA to conduct public peer reviews in FY 2023. In addition to these requests, SAB has the responsibility to conduct regulatory reviews of Tier 1 and Tier 2 proposed rules that have a strong science foundation. SABSO anticipates that in FY 2023 SAB may conduct five such

regulatory reviews. SABSO expects multiple peer reviews for Clean Air Scientific Advisory Committee (CASAC) of several National Ambient Air Quality Standards (NAAQS) pollutants documents from EPA. Cumulatively for both the Science Advisory Board (SAB) and CASAC, SABSO has received 20 EPA peer reviews requests for FY 2023. These review requests include reviewing critical topics such as polyfluoroalkyl substance (PFAS), environmental justice (EJ), climate science, statutorily required NAAQS pollutants, and other risk assessment topics important to the Biden Administration. Without proper funding, SAB and CASAC will not be able to meet the peer review needs of the agency.

SABSO supports EPA program and regional offices who conduct important scientific analyses and rulemaking. SABSO received a significant budget cut in FY 2022 on top of previous enacted reductions. Over the past nine years, SABSO has faced significant reductions. SABSO supports the agency to meet core statutory deadlines and meet requirements for scientific peer reviews at a significant core savings for the CASAC as required by CAA and the SAB as required by Environmental Research, Development and Demonstration Authorization Act (ERDDA). However, the current projected workload, coupled with the likelihood that SAB and CASAC will restart more effective, yet more expensive, face-to-face meetings once the pandemic is over, leaves SABSO significantly underfunded to support our important science mission.

In addition to our large workload for peer review actions, SABSO also has worked to meet agency infrastructure needs and security guidance. Over the past several years, SABSO continued work migrating and hosting a legacy database system from Lotus Notes to Oracle Apex. SABSO launched the new database and associated websites for SAB and CASAC in August of 2021. However, due to budget constraints, additional modernization of IT and improvements requiring additional resources to conduct improvement to aid the public in accessing the work of the committees are in jeopardy. Creating the proper access of the public to our SAB and CASAC materials is a Federal Advisory Committee Act mandate for transparency and an opportunity to inform, communicate and benefit from public input. Continued cuts not only impact the ability for SABSO to peer review the agency's work, science, and methodology and impact the scientific integrity of ensuring EPA's decisions are supported with background, data, and science, but also its ability to provide the optimal, transparent experience for the public. Additional funds will not only allow SABSO conduct their core peer review work, but also build out additional features in our IT systems that will make the public facing website seamless and user friendly.

SABSO's public consultations, peer review, and regulatory reviews support the mission of our many EPA customer offices. For instance, the CASAC peer reviews of NAAQS science and policy assessments are critical to the Office of Air and Radiation's process for independently reviewing nationally impactful and scientifically sound decisions on NAAQS pollutants. Office of Water requested review of their proposed drinking water standard for PFAS. This is a high priority for the Administrator and the President. For the Office of Research and Development, SAB has been requested to give public advice on important EJ and climate challenges that will lead to better science supporting critical rulemaking on topics critical to this Administration. All SABSO FY 2023 requested work consists of high profile and high priority topics supporting the EPA and the Administrator. If SABSO does not receive this funding, the agency will be forced to use the following options: acquire much more expensive and slower peer reviews from organizations like the National Academy of Sciences (NAS);

use contractor led peer reviews which will not have the same level of public access and quality as the SAB or CASAC; or bypass peer reviewing critical work altogether. Each of these options will either slow the pace of the agency's work, be more expensive (in the case of NAS), less transparent, and increase EPA's rulemaking process vulnerability to legal action.

Over the past three years, SABSO has used a series of Continuous Improvement approaches and tools to ensure we meet the agency's needs. In FY 2020 we focused on delivering advice faster and achieved a 40 percent improvement in the time it took to go from our first topic meeting date to delivery of final advice to the Administrator. In FY 2021, SABSO set a goal of moving faster to on-board the Special Government Employees hired to serve on SAB. SABSO improved the hiring time by 34% from the date the Federal Register Notice is posted soliciting for SAB members to the date the Administrator made final membership decisions. SABSO plans to continue using these Continuous Improvement approaches in the years to come.

SABSO provides an in-house resource for EPA peer reviews. Program offices come to SABSO requesting a peer review through the Administrator. Agency costs are low in comparison to external peer reviews conducted by groups such as the NAS or a contractor. SABSO's work over the years has supported a wide range of science issues that support many core environmental laws, such as the Clean Air Act and the Clean Water Act.

23. Municipal Water Ombudsman in OA (\$350 K non-pay and 2 FTE), Lead: OA

This request funds new statutory requirements under the Water Infrastructure Improvement Act of 2019 (*42 U.S.C. 4370j, Pub. L. 115-436, Jan. 14, 2019*), which created the Office of the Municipal Ombudsman. The Municipal Ombudsman provides a unique service for municipalities as an entry point to connect to the best resources at the agency and as a dedicated independent, impartial, and confidential resource to assist communities in complying with the Clean Water Act (CWA). Municipalities face complex water infrastructure challenges due to aging infrastructure, climate change impacts, environmental justice (EJ) considerations, population changes, regulation changes, competing priorities for funding, and increasingly disparate impacts on their ratepayers and affordability. The Municipal Ombudsman works directly with communities to determine potential options, share best practices, facilitate discussions with agency experts, and advocate for a fair process.

This activity will (1) provide technical assistance to municipalities⁹ seeking to comply with the CWA; (2) provide information to the agency to help ensure national consistency; and (3) provide information to municipalities seeking assistance on Federal financial assistance, technical assistance, flexibility available under the CWA, and integrated planning in accordance with the Water Infrastructure Improvement Act of 2019 (*42 U.S.C. 4370j, Pub. L. 115-436, Jan. 14, 2019*).

⁹ A municipality is defined under Clean Water Act section 502(4) as "a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency..."

In order to promote the effectiveness and independence of an Ombudsman office, the office must be perceived to have the necessary independence and separation from other units of the agency to adhere to the core professional Ombudsman standards of practice: independence, impartiality, and confidentiality¹⁰. This independence allows the Municipal Ombudsman to better serve communities who may be hesitant to engage with the agency, and who are often smaller communities with fewer resources for water infrastructure, to best effect organizational change. Encouraging early and regular engagement with the agency through the Municipal Ombudsman will help build capacity for small and mid-size communities, prevent noncompliance, and can aid communities in achieving compliance as expeditiously as possible.

The Municipal Ombudsman can also (1) identify significant individual or systemic issues; (2) contribute to significant cost savings by assisting with issues, often at the earliest stages, and reducing litigation and resolving disputes; (3) serve as a liaison across the agency; (4) offer an impartial perspective and act in an advisory capacity to provide feedback as the agency considers activities; (5) promote innovative agency policies by highlighting agency efforts in tackling the climate crisis and advancing EJ, as well as activities such as integrated planning, which helps communities consider sustainable and comprehensive solutions to meeting CWA obligations, achieve water quality goals at lower costs, while addressing the most pressing problems first; and (6) act as an early warning system.

The Office of the Municipal Ombudsman is likely to receive additional community inquiries with the passage of new infrastructure bills and with significant new investments in Community Project Funding for water projects for infrastructure and water quality protection.

The Water Infrastructure Improvement Act (42 U.S.C. 4370j, Pub. L. 115–436, Jan. 14, 2019) created the Office of the Municipal Ombudsman to be headed by a Municipal Ombudsman:

(a) ESTABLISHMENT.—There is established within the Office of the Administrator an Office of the Municipal Ombudsman, to be headed by a Municipal Ombudsman.

(b) GENERAL DUTIES.—The duties of the Municipal Ombudsman shall include the provision of— (1) technical assistance to municipalities seeking to comply with the Federal Water Pollution Control Act; and (2) information to the Administrator to help the Administrator ensure that agency policies are implemented by all offices of the Environmental Protection Agency, including regional offices.

(c) ACTIONS REQUIRED.—The Municipal Ombudsman shall work with appropriate offices at the headquarters and regional offices of the Environmental Protection Agency to ensure that a municipality seeking assistance is provided information regarding— (1) available Federal financial assistance for which the municipality is eligible; (2) flexibility available under the Federal Water Pollution Control Act; and (3) the opportunity to develop an integrated plan under section 402(s) of the Federal Water Pollution Control Act.

(d) INFORMATION SHARING.—The Municipal Ombudsman shall publish on the website of the Environmental Protection Agency— (1) general information relating to— (A) the technical assistance referred to in subsection (b)(1);

¹⁰ Admin. Conf. of the U.S., Recommendation 2016-5, *The Use of Ombuds in Federal Agencies*, 81 Fed. Reg. 94,316 (Dec. 23, 2016).

*(B) the financial assistance referred to in subsection (c)(1);
 (C) the flexibility referred to in subsection (c)(2); and
 (D) any resources developed by the Administrator related to integrated plans under section 402(s) of the Federal Water Pollution Control Act; and (2) a copy of each permit, order, or judicial consent decree that implements or incorporates such an integrated plan.*

Consistent with EPA's priorities to Support for Communities to Tackle the Climate Crisis and Advance Environmental Justice, Building EPA Back Better, and Strengthen Tribal, State, and Local Partnerships and Enhance Engagement, and in support of 42 U.S.C. 4370j, FY 2023 activities include:

- Implement the new role of the Municipal Ombudsman, structuring the new program to meet Ombudsman standards of practice.
- Forums, workshops, public listening sessions or similar events as liaison to facilitate dialogues; resolve conflict; hear feedback, concerns, and suggestions from municipalities and trainings for municipalities.
- Technical assistance and information-sharing of agency materials as requested by municipalities:
 - CWA permit compliance evaluations/options, integrated planning, example permitting approaches, water quality standards, green infrastructure, consideration of EJ, engineering analysis, data analysis, monitoring assessment, asset management, best practices, planning and design assistance, and analysis of climate change considerations.
 - Review of individual and systemic CWA issues and brainstorming on potential options and flexibilities.
 - Evaluation of Federal financing options for wastewater and stormwater infrastructure and where relevant, financing options to achieve compliance as expeditiously as possible.
 - Assistance with information for municipalities on initiatives to support low-income customers or residents.
 - EPA CWA tools such as the Water Finance Clearinghouse, Wastewater Technology Clearinghouse, EJSCREEN, National Stormwater Calculator, and Climate Resilience Evaluation and Awareness Tool.
 - Connects communities with the best agency resources for their CWA needs like best practices, relevant contacts, tools, and other resources.
- Review and input on agency policies and actions with consideration of opportunities for enhanced national consistency.
- Reports, brochures, compendiums, fact sheets, outreach materials or other materials to provide information for municipalities.
- Maintains an information-sharing website, including resources for federal Financial assistance, technical assistance, integrated planning, and permits and orders that incorporate integrated plans.

The Municipal Ombudsman will work at all levels of EPA to better connect communities with agency resources and in doing so will enhance collaboration and national consistency across EPA offices on municipal CWA issues.

Working with Federal partners will be essential to connect communities to a wide range of Federal funding for water infrastructure and enhanced water quality protection. Outreach to external partners (e.g., intergovernmental associations) will also be vital as many of these groups worked to support the creation of this new role such as the United States Conference of Mayors, National League of Cities, and National Association of Counties, Water Environment Federation, National Association of Clean Water Agencies, and Association of Clean Water Administrators. Strengthening relationships with these partners will be critical to the success of the Municipal Ombudsman.

Consistent with EPA's priorities to Support for Communities to Tackle the Climate Crisis and Advance Environmental Justice, Building EPA Back Better, and Strengthen Tribal, State, and Local Partnerships and Enhance Engagement, the program will:

- Improve access for municipalities to EPA's CWA resources for technical assistance, Federal financial assistance, and flexibilities available under the CWA, such as integrated planning.
- Strengthen national consistency by collaborating across the agency at all levels on CWA concerns and acting in an advisory capacity to provide feedback as the Agency considers activities, offering an impartial perspective.
- Enhance strong partnerships with municipalities, local government groups, and media organizations, participating in meetings, workgroups, and other engagements.
- Promote innovative agency policies and highlight Agency efforts such as those in tackling the climate crisis and advancing EJ for improved rates of adoption and use by municipalities.

Measures of success include municipality and community engagements, technical assistance provided, actions taken by EPA, states, or localities as a result, and improved program outcomes such as increased compliance, and municipalities able to develop integrated plans as a result in part to Municipal Ombudsman assistance.

Outreach will be critical to ensure municipalities become familiar with the brand new Office of the Municipal Ombudsman, created by the Water Infrastructure Improvement Act (*42 U.S.C. 4370j, Pub. L. 115–436, Jan. 14, 2019*). The Municipal Ombudsman will work closely with local government groups and water media organizations to continue to reach out to municipalities and inform them of the new office and resources available.

Congress has expectations for agency implementation of the statutory provisions described above. Without additional resources, it will be difficult if not impossible to implement fully all of the provisions of WIIA.

24. EPA Paid Internship Program (\$3.25 M non-pay and 183 FTE) Lead: OMS

In line with President Biden's Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, EPA must be a model for diversity, equity, inclusion, and accessibility, where all employees are treated with dignity and respect. Accordingly, the agency must strengthen its ability to recruit, hire, develop, promote, and retain our Nation's talent and remove barriers to equal opportunity. This investment provides resources to strengthen and advance diversity, equity, inclusion, and accessibility across the agency through an enterprise internship program.

On average, the agency has 250-300 paid interns at any given time. This investment will add an additional 550 four-month equivalent internships increasing the total number of paid interns by threefold. Further, this investment addresses the agency's concern over high percentages of retirement eligible employees across the EPA workforce, potentially impacting every regional office and program. The four-month detail coincides with a college semester. EPA programs and regions may find it to their benefit to extend details to provide more time for interns to show their capacity to serve in a full-time role. As a result, this investment grants agency programs and regional offices the flexibility to grow their future workforce while strengthening diversity, equity, inclusion, and accessibility to cultivate a workforce drawing from the full diversity of the Nation.

This program does not directly support a Long-Term Performance Goal but supports Cross-Agency Strategy 3: Advance EPA's Organizational Excellence and Workforce Equity through Fostering a Diverse, Equitable, Inclusive, and Accessible Workplace. Success will be measured by the agency's capacity to recruit, hire, develop, promote, and retain our Nation's talent and advance diversity, equity, inclusion, and accessibility across the agency through an enterprise internship program.

EPA is requesting \$3.25 M and 183 FTE for each agency program and regional office to support the equivalency of 25 four-month internships – or 550 total interns. Included in this request are 3.0 FTE for the Office of Human Resources to manage the program, 1.0 FTE for the HR Shared Service Centers to process the hundreds of new HR actions and \$500K for the agency's Working Capital Fund Data Processing service to fund contractors to oversee the provisioning and deprovisioning of IT equipment.

The FY 2023 budget request represents EPA's first opportunity to request resources for a targeted intern investment. To manage the program successfully and attract underserved communities, advancing diversity, equity, inclusion, and accessibility across the agency, EPA must focus on recruitment and outreach in FY 2022 to ensure a robust class of applicants in FY 2023. In particular, EPA must work with Hispanic-Serving Institutions; Historically Black Colleges and Universities, including Historically Black Graduate Institutions; Tribal Colleges and Universities; Native American-serving, nontribal institutions; Asian American and Pacific Islander-serving institutions; Tribally controlled colleges and universities; Alaska Native-serving and Native Hawaiian-serving institutions; Predominantly Black Institutions; women's colleges and universities; State vocational rehabilitation agencies serving individuals with disabilities; disability services offices at institutions of higher education; organizations dedicated to serving veterans; public and non-profit private universities serving a high percentage of economically disadvantaged students or first-generation college or graduate

students; community colleges and technical schools; and community-based organizations dedicated to serving and working with underserved communities, including return-to-work programs, programs providing training and support for older adults seeking employment, programs serving formerly incarcerated individuals, centers for independent living, disability rights organizations, and organizations dedicated to serving LGBTQ+ individuals. Unfortunately, the agency lacks the FTE to reach all of these groups in such a short amount of time. As a result, the agency will leverage social media and other low-cost platforms to promote opportunities at EPA.

25. Support for the Office of Public Engagement (\$100 K non-pay and 2 FTE) Lead: OA

The Office of Public Engagement (OPE) is charged with developing and managing strategic relationships for the Administrator, EPA HQ offices and regional offices that support the mission and the agency's regulatory and programmatic agenda. OPE plays a critical function in advising leadership on the perceptions from regulated constituencies and the best means of communicating with them. OPE builds strong relationships with the public to support bold action on climate change, environmental justice (EJ), and other pressing environmental issues with both traditional (e.g., industry, labor, green groups) and non-traditional (e.g., parents, youth, communities of color) stakeholder groups. As the agency ramps up its regulatory and investment agenda, OPE's role as a direct liaison to advocate and advise is essential to ensuring policy goals are met equitably and transparently. OPE will seek to serve 200 communities in FY 2023, with the increased staffing levels. OPE will assess the number of communities reached by tracking the attendance at meetings.

For FY 2023, OPE proposes adding FTEs in HQ to implement the programming discussed above. Additional staff resources above the baseline of five FTE in HQ to increase public involvement in EPA regulatory decisions. OPE supports the Administrator's vision of making the EPA inclusive, transparent, and accountable especially to vulnerable communities. OPE removes barriers for engagement and works to improve public awareness and involvement in the work of the EPA. OPE builds strong relationships with the public to support bold action on climate change, EJ, and other pressing environmental issues with both traditional (e.g., industry, labor, green groups) and non-traditional (e.g., parents, youth, communities of color) stakeholder groups.

The OPE requests three additional FTEs – career Chief of Staff and two career environmental engagement specialists - to maintain and expand strategic relationships to further the mission and understanding of EPA and develop internal systems and processes to ensure OPE efficiently tracks and houses stakeholder information, contacts, and events to serve the public engagement needs of HQ and regional offices.

The career Chief of Staff will be primarily responsible for developing OPE's organizational muscle, interagency connections, and continuity of operations. This would include:

- Designing and implementing essential standard operating procedures (SOPs) for OPE that can systematize engagement tasks around agency regulatory actions, leadership activities and regional office activities.

- Determine how OPE manages the overall relationship portfolio, reporting systems, and design a tracking system with contacts and historical perspective that can be shared across the Administrator's office and regions.
- Function as a core liaison to EPA program offices and regional offices, advising them about OPE services and identifying support opportunities.

Career Environmental Engagement Specialists will be responsible for rapidly growing EPA's prominence and connection with critical constituencies and supporting senior OPE staff in engagement activities. This would include:

- Implementing an engagement strategy for EJ communities and coordinating with EPA's EJ office.
- Facilitate and manage a set of core relationships and conduct all relevant outreach, coordination, briefing and communications tasks.

The program will measure progress by the number of stakeholder engagements performed and the number of Memoranda of Understanding created. OPE will also work within the framework for the agency's strategic plan.

- *Activity Name: Stakeholder Engagement and Strategic Partnerships*
- *Activity Description:* Develop strategic partnership to enhance stakeholder engagement.
 - Plan and conduct 200 stakeholder meetings and events and establish 15 memoranda of understandings per year.
 - Providing a means for strategic partnerships to get EPA's message out to broader audiences.
 - Providing critical stakeholder engagement support for EPA's 10 regional offices and critical programmatic offices such as the Office of Water or Office of Air and Radiation, as examples.
 - Plan and conduct 200+ stakeholder engagements specifically for the Office of the Administrator.

COVID-19 may still provide challenges in FY 2023 in planning/conducting stakeholder engagement in less fortunate communities. OPE will continue to coordinate events and in person engagements by following CDC guidelines for safety.

26. Support for Taking Action on Lead (\$2.025 M non-pay and 17 FTE), Lead: OLEM, OCSPP and OW

Reducing lead exposure is a priority for the Biden Administration. Despite significant improvements in reducing lead exposure over the past 40 years, there is still considerable work to be done to protect the public, especially children in the most vulnerable communities across the country. Lead exposure can cause irreversible and life-long health effects, including decreased development, ability to focus and concentrate, and academic achievement in children. Because children can be exposed to lead from multiple sources in their environment, EPA will target opportunities to collaborate across the agency and the federal government and with other stakeholders to reduce exposure. This proposal will accelerate rule making, the collection of data, and the development of analytical tools, models, and guidances supporting

the lowering of lead levels in children and increase public health benefits to areas disproportionately impacted by lead.

EPA requests \$2.05 million and 17 FTE to coordinate efforts and enhance methodologies that will be used to address lead contamination and remediation.

EPA requests \$400 thousand and nine FTE to reduce lead exposures at Superfund sites. Communities near Superfund sites are often exposed to lead from air, water, soil, etc., yet CERCLA limits the ability of Superfund to address non-CERCLA releases. As a result, Superfund is not addressing all risks to these communities, which are disproportionately disadvantaged and overburdened. While EPA has experience collaborating across programs, due to resource limitations it is not a standard practice and is often reactive to concerns of the community instead of proactively part of a broader cleanup strategy. The requested FTE will be used to build on lessons learned from lead collaboration pilots being done in FY 2022 in order to implement best practices that proactively address multiple sources of potential lead contamination at Superfund sites. These resources will be used to update EPA's lead exposure model for children's blood lead levels, allowing EPA to model potential health risks at lower exposure levels.

EPA also requests 1 FTE and \$325K to complete guidance documents to assist communities in identifying lead service lines, the most significant sources of lead in drinking water, to prioritize replacements of these lines, to protect children and disadvantaged households in the impacted communities, and to improve outreach to drinking water consumers on actions that can reduce their risks to drinking water exposure.

EPA requests 1 FTE and \$325K to initiate collection of new data and analysis of the additional public health improvements to the Lead and Copper Rule Revisions (LCRR), required by the Safe Drinking Water Act and EO 12866. EPA has conducted extensive stakeholder outreach to inform the review of the LCRR in accordance with Executive Order 13990 and identified a number of opportunities for meaningful improvement to public health protections through regulatory revision. To promulgate these additional revisions, EPA will need to collect data, prepare a statistical assessment of the feasibility of changes, and determine the fastest possible rate at which water systems can replace lead service lines. EPA will also collect data that would allow for the improved assessment of Environmental Justice impacts to groups and communities affected by regulatory options.

EPA also requests six FTE and \$1 million to recruit and train additional staff and expand contract support to undertake regulatory actions for dust-lead hazard standards (DLHS) and dust-lead clearance standards (DLCS), as well as address hazards associated with lead-based paint. EPA proposes to focus on intensive rulemaking activities to address the DLHS and DLCL, in accordance with recent Executive Orders and other direction by the Biden-Harris Administration, as well as the results of recent litigation. The additional resources would also enable EPA to conduct these rulemaking activities concurrently rather than consecutively, as is current practice due to resource levels. In addition, EPA will continue its work to determine whether hazards are created in public and commercial buildings, including analyzing results on an industry survey. Undertaking these rulemakings without increasing resources will

significantly extend any regulatory timelines, delaying the resulting public health benefits. Furthermore, due to the May 2021 court directive to reconsider DLHS, DLCL, the definition of LBP and SLHS, EPA must conduct these rulemakings without unreasonable delay

EPA will complete OMB review and publish a proposal for a combined DLHS and DLCL rule, to include SLHS if adequate funding is available. Review public comments and conduct any additional analyses to support development of a final DLHS and DLCL rule by the end of FY 2023.

EPA will develop a scoping document for a study to develop new information to update the definition of LBP and undertake a peer review of the approach for conducting the technical analysis in FY 2023. During FY 2023 EPA will use experience gained from pilots to standardize collaboration activities and finalize a Collaboration Guide to reduce overall risk posed by lead in communities near Superfund sites.

EPA will build community action plans with all communities potentially affected by lead by the end of FY 2024. By the end of FY 2025, EPA will update lead exposure models to account for lower exposure and decreasing national blood lead levels at Superfund sites.

27. Social Cost of GHGs (\$2 M non-pay and 2 FTE) Lead: OA coordinating with program offices

In a first-day executive order (E.O. 13990), President Biden reconvened the Interagency Working Group (IWG) on the Social Cost of Greenhouse Gases (SC-GHG) and instructed them to restore the science-based approach to estimating climate change damages, noting that “it is essential that agencies capture the full benefits of reducing greenhouse gas emissions as accurately as possible.” E.O. 13990 required the IWG to publish interim SC-GHG estimates within 30 days to be used until a more complete update reflecting the NAS recommendations and the state-of-the-science is published in January 2022. In addition, E.O. 13990 requires that new methodologies and processes be developed to ensure adequate consideration of climate risk, environmental justice (EJ), and intergenerational equity and that an updating process be established to ensure the SC-GHG estimates continue to be based on the best available economics and science.

The evidence is clear that climate change is real and is already having significant consequences. The 2018 National Climate Assessment underscored the fact that climate change presents growing challenges to human health, safety, quality of life, and economic growth. We can already see the economic costs associated with climate change in more frequent and/or intense extreme weather events like wildfires, drought, severe storms, and flooding, as well as the ways climate change disproportionately impacts the most vulnerable members of society, particularly lower-income communities, communities of color, and indigenous communities. As decision-makers develop policies, they need to incorporate the very real costs of climate change to current and future generations into their decisions.

One specific tool — called the “social cost of greenhouse gases”— combines climate science and economics to help Federal agencies and the public understand the benefits of reducing

GHG emissions. The metric is a range of estimates, in dollars, of the long-term damage done by one ton of GHG emissions. The use of this metric by the U.S. government has been standardized through an IWG of technical experts across the Federal government that develops uniform estimates to ensure that agencies utilize the best available science and economics.

Since the IWG's inception, the EPA's National Center for Environmental Economics (NCEE) and Climate Change Division (CCD) have served as the technical leads for the SC-GHG conducting the modeling, drafting the IWG's scientific assessments, supporting consistent government-wide adoption, and promoting the adoption of the SC-GHG internationally. EPA also led the development of an expert panel at the National Academies of Sciences, Engineering, and Medicine (NAS), who in 2017 provided detailed recommendations on improving the completeness and accuracy of the SC-GHG estimates. These efforts have been successful at establishing estimates that have supported over 100 Federal rulemakings and are now used widely by our state and international partners to also inform their decisions.

Despite the importance of establishing a SC-GHG, a proper program has never been established to support the SC-GHG for the long-term and advance the science that is so critical to its success. EPA is currently running models that are based on science from 10 to 20 years ago. Lack of resources is an impediment to updating these models with new research and supporting additional research to fill critical gaps in SC-GHG estimation. E.O. 13990 requires the IWG to develop recommendations for a process for reviewing, and, as appropriate, updating, the SC-GHGs to ensure that these estimates are based on the best available economics and science. Without additional funding, it will not be possible to implement these recommendations and establish a process that ensures the best available science and evidence regarding the impacts of climate change is available to inform Federal decision making.

This over target activity will establish a cross-EPA effort that can fulfill the Biden Administration's day-one objectives to improve our current estimates, establish a program for long-term success, and introduce consideration of equity and EJ concerns. The activity will support the E.O.'s requirements on ensuring adequate consideration of climate risk, EJ, and equity through the development of new methods and data, along with engagement of external experts through workshops and roundtables. It will also advance the incorporation of key Earth systems dynamics into the SC-GHG, furthering the ability to capture important climate impacts at finer spatial resolutions. In addition, the funding will support a new grant program focused on improving the completeness of climate change damage estimates and advance the science of the SC-GHG to ensure it robustly captures critical climate impacts, including sea level rise, human health impacts, inter-regional spillovers, and adaptation costs.

After the day-one publication of E.O. 13990, EPA mobilized to support the Administration's efforts to restore science to the Government's accounting for climate change in its regulatory and other analyses. In FY 2021, EPA developed the first major deliverable for the IWG, the Technical Support Document detailing the interim estimates to be used across the Federal government until a more complete update is published in FY 2022.

EPA has also led the development efforts on the updated estimates due in FY 2022 based on the currently available science and economics. The updated SC-GHG estimates will be a marked improvement on the current estimates that were developed nearly a decade ago and will address some of the NAS's key recommendations. Despite the improvements that will be

realized in the FY 2022 update, the SC-GHG estimates will not address all of the NAS's important recommendations, in part due to research and data gaps (e.g., key research gaps pertaining to how the physical impacts of climate change manifest into economic impacts).

The U.S. and other governments have provided billions of dollars and vast supercomputer time and effort to understand and project future GHG emissions and model the impact of those emissions on physical outcomes such as temperature, sea level rise, and precipitation using earth system models. By contrast, almost no support has been provided to efforts that improve our understanding of how the world-wide physical impacts of climate change manifest into economic impacts and/or incorporate the large literature on climate impacts into integrated assessment models (IAMs) used to estimate the SC-GHG, with most of the major models being developed and maintained with little to no public funding (Auffhammer 2018).¹¹ Additional sustained effort is essential to increase the completeness of monetized estimates of the damages experienced by society through both market sectors (e.g., agriculture, forestry, energy, infrastructure) and non-market channels (e.g., human health, ecosystems, biological diversity, habitats, outdoor recreation, and amenity values).

The importance of improving our understanding and ability to model the economic consequences of the physical impacts of climate change will only increase as we continue efforts to address the largest environmental market failure in human history and protect our economy, environment, and quality of life for current and future generations from the mounting costs of climate change. A new generation of scientists has begun to embrace the interconnection between the physical impacts and the economic damages associated with climate change, but support is required to move this research forward so that it may improve the SC-GHG estimates used in policy analysis and other decision-making contexts. Calls for more interdisciplinary research on economic damages to improve the capabilities of IAMs have only increased in recent years (e.g., GAO 2020, National Academy of Sciences 2017, Pizer et al. 2014, Revesz et al. 2014, Farmer et al. 2015, Stern 2016, Mendelsohn 2016, and Auffhammer 2018).

EPA's expertise and role in fulfilling the requirements of President Biden's E.O. 13990, including the development of the updated SC-GHG estimates, will well position it to address those gaps to allow a complete and accurate accounting of the impacts of climate change. To further build that foundation, EPA will maintain a leadership role in developing recommendations for methodologies and processes, that if implemented, will allow future updates of the SC-GHG to continue representing the best available economics and science and allow for improved consideration of climate risk, EJ, and equity considerations in decision making. These activities will provide the roadmap for ensuring that future regulatory, budgeting, procurement, and other key decisions consider their complete impact on climate change, but additional resources are required to see that this progress is realized.

With the \$2M and 2 FTE requested under this over target proposal, EPA will accomplish key goals outlined in E.O. 13990:

¹¹ IAMs combine the key elements of biophysical and economic systems, and their interactions, within a single modeling framework.

- **EJ and Equity Considerations:** Develop and implement the new methods identified in the FY 2022 recommendations under E.O. 13990 that will allow for improved consideration of climate risk, EJ, and equity in regulatory analysis and decision making. Experts on the science and economics of climate change, EJ, and equity will be commissioned to implement the new methodologies identified and build high resolution estimates of climate change damages necessary to support improved distributional analysis. A workshop will be held in FY 2023 with the commissioned researchers and additional experts to inform the progress and facilitate an exchange of ideas to strengthen the projects.
- **Modeling Advancements:** Improve and extend the modeling framework implemented in the FY 2022 estimates, updating it to account for new major studies on the economic impacts of climate change that are known, but will have publication dates after the period included in the FY 2022 update. The benefits of GHG emission reductions as insurance against the highly uncertain and potentially catastrophic climate change impacts are not fully accounted for in the current estimates of the SC-GHG and require modeling advancements to capture our preferences for avoiding risks. As such, a focus of this effort will be on more fully addressing the NAS recommendation on incorporating uncertainty and addressing the requirements of E.O. 13990 to robustly capture the costs of climate risk. In addition, the modeling framework will be updated to incorporate more advanced Earth system modeling, including improved climate and sea level rise modeling that can support more accurate estimates of climate change damages.
- **Support of the IWG and Federal SC-GHG Applications:** Since the adoption of the IWG's first SC-GHG estimates, EPA has performed the main support function for the Federal government, including supporting Federal agencies in applying the SC-GHG to value the benefits of GHG emission reductions in regulations, ensuring consistency across agencies, supporting DOJ during legal challenges, and working with States and International partners looking to adopt the U.S. SC-GHG estimates. E.O. 13990 calls for an increased use of the SC-GHG estimates in Federal decision-making beyond regulations, which will require additional support services. This proposal would support the availability of trained experts to ensure that the SC-GHG estimates are able to be applied as envisioned by E.O. 13990, providing a consistent whole-of-government approach to addressing climate change, including through budgeting, procurement, and permitting. To improve the efficiency of supporting SC-GHG applications, we will work with the IWG to develop additional templates and tools to allow for more consistent and streamlined applications.
- **Fill Gaps on Key Climate Change Impacts:** An extramural grant program will develop methods and data to fill critical gaps in the SC-GHG estimates that can lead to an underestimate of the economic damages of climate change absent further GHG reductions. Consistent with the recommendations of the NAS, the request for proposals will include:
 - new damage functions to fill missing gaps in the SC-GHG assessment of climate change costs;

- approaches to capture important interactions and spillovers among regions and damage sectors, as well as feedbacks to economic growth;
- approaches to recognize and consider damages that affect welfare either directly or through changes to consumption, capital stocks (physical, human, natural), or through other channels;
- methods of representing adaptation to climate change and the costs of adaptation; and
- methods of incorporating nongradual damages, such as those associated with critical climatic or socioeconomic thresholds.

The work supports EPA’s Goal 1 “Tack the Climate Crisis,” Objective 1.1 “Reduce Emissions that Cause Climate Change.” In addition, it supports EPA’s Cross-Agency Strategy 1 “Ensure scientific integrity and science-based decision making.”

This work is an essential part of the “whole-of-government” approach to confronting the climate crisis to ensure the Federal government’s decisions are guided by the best available science and data. Evidence-based principles will be employed in the process of estimating the benefits of reducing climate pollution. SC-GHG estimates – both the forthcoming 2022 update and future updates – will help decision-makers across the federal government to consistently incorporate the very real costs of climate change to current and future generations into their decisions. They can be used to inform a wide range of government decision making – regulations, budgeting, government acquisitions, and even decisions under the National Environmental Policy Act (NEPA).

The program will track: (1) the number of times the SC-GHG is used in Federal rulemaking and in NEPA determinations; (2) scientific improvements to the SC-GHG scientific underpinnings that result from this program; (3) the states, foreign countries, international development banks and other institutions that use the USG SC-GHG; and (4) the resources devoted to updating the SC-GHG for the IWG.

EPA has a rich experience leading the Federal government’s efforts on the SC-GHG, and we know the data and modeling challenges that need to be overcome to develop more complete estimates of the SC-GHG. The explosion of basic research on the impacts of climate change, big data, and cost-effective computing places us in an ideal situation to make real progress on improving the estimates of the SC-GHG, including the incorporation of climate risk, EJ, and equity considerations. Every President since Ronald Reagan has required benefit-cost analysis of all economically significant regulatory proposals, and the courts have ruled that defensible benefit-cost analysis requires incorporating climate change damages. That said, we acknowledge that our proposal to develop new research to advance our understanding in key areas of climate change damages carries some risk in terms of the advances that can be made. We have sought to mitigate those risks by designing a proposal that will engage a robust group of experts with opportunities for cross-fertilization and scientific dialogue to address challenging areas.

There is no reason to believe that the Administration does not have the authority to conduct benefit cost analysis of regulatory and nonregulatory policy decisions. Executive Order 13990 requires the IWG to develop new estimates of the SC-GHG, work to ensure adequate consideration of climate risk, EJ, and equity, and develop processes to ensure those estimates can be updated over time to reflect the best available economics and science. Executive Order 12866, which was signed in 1993 and reaffirmed by every administration since, requires benefit cost analysis be conducted for all economically significant rules. The Office of Management and Budget (OMB) has issued guidance for complying with the executive order in Circular A-4 and EPA has issued additional guidance in its Guidelines for Preparing Economic Analysis. The courts have never ruled that the EPA (or the President) cannot require that every rule have a benefit cost analysis. The courts have also ruled that a complete benefit cost analysis of actions that have impacts on GHG emissions should include a monetary valuation of those GHG impacts with the SC-GHG.

28. SES Candidates (\$1.8 M non-pay), Lead: OMS

As part of this proposal, EPA will establish an interagency agreement with another federal agency with an accredited Candidate Development Program to cultivate an executive team drawing from the full diversity of the Nation. As EPA continues to strengthen its ability to recruit, hire, develop, promote, and retain our agency's talent and remove barriers to equal opportunity at the management and staff levels, EPA must also provide resources and opportunities to strengthen and advance diversity, equity, inclusion, and accessibility across executive leadership.

The program will provide EPA SES candidates with Government-wide leadership challenges, interactions with senior employees outside of the agency, interagency training experiences, executive level development assignments, and mentoring. Further, it ensures EPA's future executives reflect the diversity of the American people in line with evidence demonstrating diverse, equitable, inclusive, and accessible workplaces yield higher-performing organizations.

This program does not directly support a Long-Term Performance Goal but supports Cross-Agency Strategy 3: Advance EPA's Organizational Excellence and Workforce Equity through Fostering a Diverse, Equitable, Inclusive, and Accessible Workplace. Success will be measured by the agency's capacity to develop an executive cadre drawing from the full diversity of the Nation.

EPA is requesting \$1.8M to fund an SES Candidate Development Program (CDP) for 30 future agency leaders. EPA will partner with another agency managing an accredited CDP. In addition to the interagency costs, these resources will also fund travel and rotational details for selected applicants. EPA's CDP will further develop SES candidates' competencies in each of the Executive Core Qualifications (ECQs). Graduates who are certified by OPM's Qualifications Review Board (QRB) may receive an initial career SES appointment without further competition. QRB-certified graduates will start with experiences obtained at the GS-15 level, or equivalent. Participation will last a minimum of 12 months and will include an Individual Development Plan, based on individual needs and competencies; at least 80 hours

of formal training to address the ECQs and includes individuals from outside the candidate's agency; at least 4 months of developmental assignments outside the candidate's position of record; and an SES mentor.

The FY 2023 budget request represents EPA's first opportunity to target resources for a CDP in over five years. Because EPA does not have an interagency agreement in place and will not be able to establish one until the agency has identified funding, a late FY 2023 appropriation could delay the start of EPA's CDP until FY 2024. To mitigate this, OMS will develop a project plan based on lessons learned from previous CDPs so once funding is in place, the agency can expedite deployment.

Focus Area: Support for State and Tribal Partners

(Total: \$217.7 M, with 10 FTE)

The goal of this focus area is to ensure that EPA's co-implementing partners have the resources and capacity needed to effectively carry out environmental laws and programs.

29. Increase to Categorical Grants (\$200 M non-pay), Multiple NPMs, see chart below for lead offices and allocations

This increase builds on the FY 2022 President's Budget to provide more support for the operating accounts of EPA partners. Over the last decade the categorical grant program has been flat funded while costs across the country have risen- challenging many states and tribes to implement programs under environmental law. This investment recognizes consistent input provided by the Environmental Council of States (ECOS) and the National Tribal Caucus to increase categorical grant funding. This investment signals EPA's strong continued support for partners and a commitment to restore lost capacity of implementing partners on the ground.

OAR (\$12.085 M non-pay)

- **Categorical Grant: State and Local Air Quality Management (\$3.5 M non-pay), Tribal Air Quality Management (\$8.5 M non-pay), Lead: OAR**

This increase to State and Local Air Quality Management Grants and Tribal Air Quality Management Grants builds on the FY 2022 President's Budget to provide increased support for the operating accounts of EPA partners. Over the last decade the categorical grant program has been relatively flat funded while costs across the country have risen. Further, this investment recognizes the input of the Environmental Council of States and the National Tribal Caucus to increase categorical grant funding. This investment signals EPA's strong continued support for partners and a commitment to restore lost capacity of implementing partners on the ground. This investment would also support EPA's responsibilities for implementing Executive Orders and related policies to advance environmental justice considerations in policies designed to protect human health and the environment, including implementation of the Executive Order on

Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (EO 13985) and the Executive Order on Tackling the Climate Crisis at Home and Abroad (EO 14008).

Section 105 of the Clean Air Act provides EPA with the authority to award grants to tribal, state, and local air pollution control agencies to develop and implement continuing environmental and public health programs for the prevention and control of air pollution, implementation of National Ambient Air Quality Standards (NAAQS) and improving visibility in our national parks and wilderness areas (Class I areas). Examples of continuing activities funded under Section 105 include: analysis and planning for attainment and maintenance of NAAQS; emission reduction measures; development and operation of air quality monitoring networks, and other air program activities. Section 103 of the CAA provides broad authority for conducting and promoting research, investigations, experiments, demonstrations, surveys, studies, and training related to air pollution with no cost sharing required for air monitoring agencies. These authorities are used to provide funding directly to state, local, and tribal governments to support their continuing environmental program responsibilities under the CAA.

Additional funds will help maintain and expand the efforts of air pollution control agencies to implement their programs and to accelerate immediate on-the-ground efforts to reduce greenhouse gases, such as expanding deployment of renewable energy sources and energy efficiency programs; capping of oil and gas wells to reduce VOC and methane emissions; developing policies and programs to facilitate build-out of EV charging station infrastructure; increasing air quality monitoring in environment justice areas; increasing the participation of environmental justice communities in the regulatory development process; advancing enhanced analytical assessments to identify impacted stakeholders with environmental justice and/or tribal concerns; and, supporting programs to improve transportation options and reduce disproportionate exposure to traffic emissions in disadvantaged communities. These additional funds will also help to maintain and enhance the current ambient air quality monitoring networks taking into consideration the recommendations of the 2020 GAO report calling upon EPA and the State, local, and tribal agencies to sustain and modernize the network and incorporate an asset management framework, enhance the capability and resiliency of the ambient air monitoring network by investing in automation and quality assurance infrastructure, and address current funding shortfalls due to updated regulatory requirements (e.g. PAMS). Further, the funding will allow state, local and tribal agencies to address new and emerging air quality issues (beyond the current network) where monitoring is not conducted for NAAQS pollutants or air toxics by adding or moving monitoring sites (e.g., National Air Toxics Trends Stations (NATTS) or NAAQS pollutant sites). States would work with EPA to develop and implement a community air quality monitoring and notification program to provide real-time data to the public in areas with greatest exposure to harmful levels of pollution. Additionally, funds could be used by states for tools to assist communities impacted by air quality hazards from wildfires and the cumulative effects of smoke and extreme heat.

Section 301(d) of the Clean Air Act (CAA) authorizes eligible tribes to implement their own tribal air programs and EPA provides technical assistance and resources to help tribes build their program capacity. Tribes use these resources to perform emissions inventories, monitor air quality and implement regulatory and voluntary programs for their citizens, who are among the most environmentally at-risk populations in the country. Currently, there are 574 federally recognized tribes¹². Currently only 47 tribes have Section 105 grants. EPA would use additional funds to address tribal air issues that can vary from permitting sources on tribal lands, to air quality monitoring, to participating in local, state, regional, and national air quality work groups. Funds would also support the Tribes' capabilities to participate in the consultation process as the Agency develops regulatory programs to improve air quality and combat the effects of climate change. The consultation process was reaffirmed by the President in a January 26, 2021 memorandum to Agency heads.¹³.

Increasing funds for categorical grants supports Strategic Plan Cross-Agency Strategy 4: Strengthen Tribal, state and Local Partnerships and Enhance Engagement; Goal 1: Tackle the Climate Crisis and Goal 4: Ensure Clean and Healthy Air for All Communities.

OCSPP (\$28.2 M non-pay)

- **Categorical Grants for Lead (\$15.4 M non-pay)**

Lead is highly toxic, especially to young children. Exposure to lead is associated with decreased intelligence, impaired neurobehavioral development, decreased stature and growth, and impaired hearing acuity. According to the Centers for Disease Control and Prevention, no safe blood lead level in children has been identified, and effects of lead exposure cannot be corrected.^{1,2} Reducing exposure to lead-based paint (LBP) in old housing continues to offer the potential to significantly decrease blood lead levels in the largest number of children. Housing units constructed before 1950 are most likely to contain LBP. The most recent national survey estimated that 37.1 million homes in the U.S. have LBP, and 23.2 million homes have significant LBP hazards.³ Children living at or below the poverty line who live in older housing are at greatest risk. Additionally, children of some racial and ethnic groups and those living in older housing are disproportionately affected by LBP.⁴

Because of these historic and persistent disproportional vulnerabilities of certain racial, and low-income communities to LBP, this program represents significant strategic opportunities to advance EPA's environmental justice (EJ) goals. EPA's Lead Program contributes to the goal of reducing lead exposure and works toward addressing historic and persistent disproportional vulnerabilities of certain racial, and low-income communities.⁵ This program will thereby play an important role in achieving the Biden-Harris Administration's goals to enhance environmental justice and equity as set forth in Executive Order 13985, *Advancing Racial Equity and*

¹² <https://www.bia.gov/>

¹³ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>

Support for Underserved Communities Through the Federal Government by:

- Establishing standards governing lead hazard identification and abatement practices;
- Establishing and maintaining a national pool of certified firms and individuals who are trained to carry out lead hazard identification and abatement practices and/or renovation, repair, and painting projects while adhering to the lead-safe work practice standards and minimizing lead dust hazards created in such projects; and,
- Providing information and outreach to housing occupants and the public so they can make informed decisions and take actions about lead hazards in their homes.

The Lead Categorical Grant Program (LGCP) contributes to the Lead Risk Reduction Program's goals by providing support to authorized state and tribal programs that administer training and certification programs for lead professionals and renovation contractors.⁶ Ensuring that those who undertake LBP Activities are properly trained and certified is a critical aspect of federal efforts to reduce lead exposure and work towards addressing the historic and persistent disproportional vulnerabilities of certain racial, and low-income communities. While the LGCP is effective in delivering the results with the resources it has previously been afforded, increasing resources will allow the program to serve an increased number of communities and provide greater support to grant recipients. This will improve EPA's performance on a national issue that disproportionately impacts children and disadvantaged communities.

With \$15.4 M requested in the Over Target for FY 2023, the Lead Categorical Grants Program will provide assistance to additional states, territories, the District of Columbia (hereafter referred to as states), and tribes to develop and implement authorized lead-based paint abatement programs and authorized Renovation, Repair, and Painting (RRP) programs. EPA directly implements these programs in all areas of the country that are not authorized to do so and operates the Federal Lead-based Paint Program Database (FLPP) of trained and certified lead-based paint professionals. Activities conducted as part of this Program include accrediting training programs, certifying individuals and firms, and providing education and compliance assistance to those subject to the abatement and RRP regulations and to encourage the public to seek lead-safe certified contractors in support of the Biden-Harris Administration's goals to enhance environmental justice and advance racial equity.

As of August 2021, 39 states and territories, four tribes, the District of Columbia, and Puerto Rico have been authorized to run the lead-based paint abatement program. In addition, 14 states and one tribe are authorized to administer the RRP program. As of the same date, there were 316 accredited RRP providers and more than 56,000 certified renovation firms.

With additional resources, the Lead Categorical Grants Program will expand its activities implementing the lead-based paint program as explained below.

Additional funding would support EPA's goal of having authorized lead-based paint programs in all states and tribes where such a program is warranted. The Agency believes this program can be better managed and implemented at the state and tribal level. The Agency has pursued the goal of maximizing the number of authorized programs by offering financial assistance under TSCA section 404(g) to states and tribes, but some states and tribes have indicated that limited availability of grant funds is an obstacle to seeking authorization. If additional resources are made available, EPA will provide funding to additional states and tribes to support development of authorized LBP programs. In addition, EPA will commit to providing additional funds for the implementation of newly authorized programs. Without additional funding, achieving this important step is not possible.

A lack of funding for lead poisoning prevention projects led to the end of the program in 2010. If sufficient resources become available, EPA would resume competitive grant funding for lead poisoning prevention projects at the state and local levels.

These grants would provide critical support to local programs in addressing lead poisoning, particularly in vulnerable communities. When this program was active, grants funded projects such as supporting partnerships to address lead poisoning prevention, raising awareness in high-risk areas, identifying buildings with lead hazards, prioritizing issues, developing tools, and gathering data to identify lead poisoning at the community level, and facilitating intervention strategies to help families resolve lead hazards. Resumption of lead poisoning prevention grants would have a meaningful impact in addressing childhood lead poisoning.

Additional funding would also be used to modernize EPA's FLPP database, which is over 15 years old and for which maintenance costs have increased as portions of the system become outdated. Keeping the database operational has become highly burdensome because the number of problems and lack of developers able to work with FLPP's outdated code have consumed an increasing level of resources. If EPA receives additional resources, it will complete a system refresh that would significantly decrease maintenance costs and improve the user experience. Resources freed up by having an operational database could then be used for other critical aspects of the program.

As part of its implementation activities, EPA conducts outreach to the regulated community and the public to increase public demand for RRP-certified firms and individuals and accredited training providers. With additional resources, EPA would expand its outreach efforts with the goal of increasing the number of certified and accredited individuals and entities. An increase in the number of regulated entities would result in more renovations being performed following lead-safe work practices, reducing exposure to lead.

Milestones and Associated Timing

- Issue Requests for Proposals and award grants for lead poisoning prevention projects.
- Expand outreach activities to homeowners and the regulated community to emphasize the importance of having renovations performed by certified firms.

- Regional offices will begin working with their states to inform them of the additional funds available and assist with the state and tribal authorization process.
- Initiate work to refresh the FLPP database.

EPA currently tracks the rate of RRP firm recertifications as an APG measure. Under the RRP Program, firm certifications expire after five years at which point firms must seek recertification to continue performing renovations in pre-1978 housing. To increase the recertification rate, EPA sends reminder emails and post cards to firms with expiration certifications. EPA would use this information to measure the impact of an expanded outreach effort as described above. In addition, EPA would continue to report the number of states and tribes that become authorized. Internally, the agency tracks training and certification activity through the FLPP database.

- **Categorical Grants: Pesticides Program Implementation (\$7.4 M non-pay)**
FIFRA STAG funding for states and territories has been stagnant for two decades (2001 – 2021) while inflation has increased 27% over that same period. The state partnership organization, the Association of American Pest Control Officials (AAPCO), who works closely with OCSPP has highlighted their concern over the years regarding the states' lack of resources to meet current pesticide program expectations to reduce and prevent pesticide risk. Specifically, there is not enough funding to adequately implement revisions to two key agricultural worker protection rules which provide greater protection for farmworkers, not enough funding to enhance water quality programs that track pesticides of concern and implement measures to protect waterways, and almost no funding for the protection of pollinators and endangered species. With additional grants funding, the Pesticides Program will be able to:
 - Advance environmental justice efforts: State pesticide programs focus on environmental justice issues such as worker safety activities, including farmworker protection, and pesticide safety education in vulnerable communities with limited English language proficiency. Additional funding will allow states to put more emphasis on serving vulnerable communities.
 - Advance equity through the federal funding: U.S. Territories such as the Virgin Islands, Guam and American Samoa also receive funding for their pesticide programs, however, these programs tend to be small covering a large geographic area with unique issues and challenges. Additional funding will allow U.S. territories to increase staffing and better fund pesticide education and outreach efforts to protect their communities from pesticide risks.

With an additional \$7.4 million in Categorical Grants for Pesticides Implementation, EPA will be able to restore lost capacity of on the ground in the following manner:

- Increase funding for farmworker protection and pesticide applicator certification and training. Additional funding would support identified environmental justice and equity needs by agricultural communities, tribes, and among certification and worker safety programs. This would be especially helpful for territories such as American Samoa and Guam that have smaller programs with fewer staff and

limited resources, and agricultural workers with unique needs due to their geographic location.

- b. Increase funding for endangered species protection. OCSPP would provide grants to states and tribes for endangered species outreach, communication, education related to use limitations, review and distribution of endangered species protection bulletins, mapping, and development of endangered species protection plans, as well as possible impacts due to climate change.
- c. Increase funding for protection of water sources from pesticide exposure. Additional funding would allow states, territories, and tribes to evaluate local pesticide uses that have the potential to contaminate water resources and take steps to prevent or reduce contamination. It would also allow coregulators to investigate and respond as needed to water sources contaminated by pesticides.

An established FIFRA funding formula for states would be used to distribute additional funding using the existing funding vehicles. Funds could be distributed as soon as they are received, and coregulators could apply them to their existing programs as soon as their cooperative agreement workplans are revised.

EPA regional project officers ensure state, territory and tribal workplans are congruent with the FIFRA Cooperative Agreement Guidance and the amount of funding provided. All FIFRA grantees provide detailed end-of-year reporting which is sent to OCSPP and reviewed annually to ensure adequate performance.

- **Categorical Grants for Pollution Prevention (\$5.2 M non-pay)**

EPA's Pollution Prevention (P2) Program is one of the agency's primary tools for advancing environmental stewardship and sustainability by federal, state, and tribal governments, businesses, communities, and individuals. Explicitly authorized by the Pollution Prevention Act (PPA), Pollution Prevention (P2) grants provide technical assistance and/or training to businesses/facilities to help them adopt and implement source reduction approaches, and to increase the development, adoption, and market penetration of greener products and sustainable manufacturing practices. Over \$5 million annually in P2 grants is awarded to states, colleges and universities, and federally recognized tribes and intertribal consortia each year. Yet, this program can be expanded much more to effectively address environmental justice concerns across the United States. Addressing environmental justice is an agency-wide priority for EPA.

In FY 2021, EPA has 42 active two-year P2 State and Tribal Assistance Grants to states, tribes, and state-sponsored universities and colleges. Additionally, EPA invests in analyses, tool development, training, outreach, and partnerships, leveraging the success of EPA grantees and client businesses in a particular sector/location by amplifying/replicating environmental stewardship, P2, and sustainability successes to similar businesses in other locales. Such economies of scale for P2 are central to maximizing the effectiveness of the Program.

EPA will also leverage its Safer Choice program to further advance EJ. EPA certifies and allows use of the Safer Choice label on products containing ingredients that meet stringent health and environmental criteria and undergo annual audits to confirm the products are manufactured to the Safer Choice Standard's rigorous health and environmental requirements. With more than 400 partner companies and approximately 2,000 certified products in the marketplace, companies have invested heavily in this EPA partnership, and consumer and industry interest in Safer Choice and safer chemical products continues to grow across chemical product value chains.

Safer Choice outreach and partnership activities will add a specific focus on bringing Safer Choice-certified products to people of color and low-income communities, two common characteristics of EJ communities. This action is aligned with section 291 of Executive Order (EO) 14008: Tackling the Climate Crisis at Home and Abroad, which directs agencies to develop "programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities." Safer Choice will work with retailers and product manufacturers to help them develop even more products certified as containing safer chemical ingredients that are easily identified and purchased. Safer Choice will begin partnerships with organizations that serve communities with EJ concerns to help custodial staff and house cleaning companies fight conditions such as asthma through improved indoor air quality and gain access to Safer Choice-certified products.

Two key activities would be performed with additional \$5.2 million. Specifically, additional grant funding will support reduction of toxics releases in underserved communities and provide technical assistance to businesses to increase access to safer chemical products meeting EPA's Safer Choice Standard. First, EPA would initiate a new grant program to target pollution prevention activities to businesses/facilities releasing toxic chemicals proximal to underserved/EJ communities. Second, EPA would initiate a new grants program focused on assisting businesses in underserved communities to partner with EPA's Safer Choice program to help increase availability and adoption of safer chemical products in those communities.

- **Grant Program: Reducing Toxics Releases in Underserved Communities**

OCSP will utilize \$3.2 million of the Over Target request to institute a grant program to state, tribal, and state-sponsored organizations to develop, facilitate, and implement solutions for small- and medium-sized businesses to reduce releases of toxics (as reported in TRI) by identifying and adopting practices that incorporate P2/source reduction, with a focus on businesses/facilities in (or near) underserved communities.

Additional contractor backstopping support (15% of the requested amount) will be provided to grantees for the following:

- conducting background engineering and industry analyses to help grantees identify high-value pollution prevention opportunities for businesses/facilities;
- assessing key industrial sectors in/near environmental justice communities to assist in targeting grants; developing sector-specific training for grantees to use in providing

- services to businesses; conducting outreach to industry/trade associations and communities hosting facilities in specific industries;
- developing partnerships to facilitate documentation of best practices and case studies that amplify and replicate economically sound practices;
- conducting regional and national roundtables to facilitate networking for grantees and businesses;
- identifying and documenting financing tools to empower businesses to invest in pollution prevention process innovations;
- developing criteria for safer chemistry in new sectors; creating, updating, and maintaining an information hub.
- **Grant Program: Increasing Access to Safer Chemical Products in Underserved Communities**
 OCSPP will utilize \$2 million to provide additional grant program to state, tribal, and state-sponsored organizations in underserved/EJ communities to provide technical assistance to product formulator businesses to develop and seek certification of chemical products meeting EPA's Safer Choice Standard and to provide technical assistance to businesses (e.g., retailers, maintenance/janitorial services) to adopt and/or increase access to safer chemical products meetings EPA's Safer Choice Standard.

In part, OPPT will measure the results of this effort through a shorter project measure evaluating the number of retailers/service providers adopting or adding Safer Choice into their customer offerings and the following long-term performance goals:

- By September 30, 2026, reduce a total of 1.2 million metric tons of carbon dioxide equivalents (MTCO_{2e}) released attributed to EPA pollution prevention grants from a baseline annual reduction of 299,000 metric tons in FY 2029
- By September 30, 2026, increase the number of products certified annually by EPA's Safer Choice program to 2,300 from a baseline annual certified products of 1,950 in FY 2021

OECA (\$15.6 M non-pay)

- **Categorical Grant: Pesticides Enforcement (\$5.5 M non-pay), Lead: OECA**
 This additional \$5.5 million investment would increase the number of tribal pesticide programs, increase the number of cooperative agreements with tribes and build capacity through more training to help deliver environmental justice for overburdened and marginalized communities. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is the primary federal law governing oversight of pesticide manufacture, distribution, and use in the United States. Identifying, assessing, and reducing the risks presented by the pesticides on which our society and economy rely is integral to ensuring environmental and human safety. This request will help build environmental partnerships with states and tribes that strengthen their ability to address environmental and public health threats from pesticides. Also, this proposed funding will help increase state and territory compliance and enforcement activities and training opportunities to build capacity. The National Pesticide Program protects people and ecosystems that may be exposed to pesticides, through its pesticide product registration and registration

review program, outreach, technical assistance, and compliance and enforcement programs. As co-regulators, states, tribes, and territories serve an essential role as the EPA's "eyes and ears" on the ground to identify pesticide concerns; to provide EPA feedback from the field to determine if intended risk mitigation measures are effective; to monitor compliance with the regulated community; and to take appropriate enforcement action when necessary.

OECA will measure results through the parameters stated in the national FY 2022-2025 Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Cooperative Agreement Guidance, to be used by the EPA regional offices in negotiating and overseeing cooperative agreements with states, territories, and Indian tribes, as authorized under Sections 23(a)(1) and 23(a)(2) of FIFRA. OECA's Office of Compliance (OC) and Office of Civil Enforcement (OCE) coordinate closely on enforcement issues to ensure both offices are providing consistent, coordinated leadership to regions, states, tribes, and territories. The Grant Guidance identifies pesticide program and compliance and enforcement program areas that must be addressed in state, tribe, and territory cooperative agreements and provides information on work plan generation, reporting and other requirements. These grant funds will support compliance and enforcement activities, which include compliance assistance, compliance monitoring, case development and enforcement.

Work in this program directly supports the Administration's priorities, including delivering environmental justice for overburdened and marginalized communities, pesticide compliance, and enforcement activities. In addition to maintaining a basic level of pesticide program implementation, compliance assistance, and enforcement to ensure a viable pesticide regulatory and enforcement program, there are four possible focus areas including: 1) prevent or reduce incidents resulting from fumigation exposures; 2) reduce spray drift incidents by increasing awareness and adoption of spray drift reduction techniques and technologies; 3) support tribal pesticide program capacity building and efficient use of state resources; and 4) minimize pesticide risk while protecting human health from emerging public health issues.

EPA's mission to protect human health and the environment is accomplished, in large part, by awarding funds to other organizations to administer environmental programs and projects. Through EPA's FIFRA cooperative agreement grant guidance, OECA establishes required program areas of particular importance during the current cooperative agreement guidance period in order to meet the national goals of the pesticide program. This funding will support our co-regulator annual activities such as inspections, investigations, sampling, state pesticide laboratory support, case development and enforcement. Additional resources are requested to rebuild programmatic capabilities between EPA and partner agencies; provide vital training programs to EPA, state, territory, and tribal partners; and help deliver targeted environmental justice for overburdened and marginalized communities. EPA issues enforcement and pesticides program cooperative agreement guidance to focus regional, state, and tribal efforts on the highest priorities. EPA's support to state and tribal pesticide programs emphasizes reducing chemical risks by ensuring compliance with

worker protection standards, pesticide applicator certification and training requirements, pesticide use requirements designed to protect water quality, pesticide product integrity, and border compliance.

Since April 1, 2020, in response to the COVID-19 pandemic, the US experienced 3,200 new pesticide antimicrobial producing establishments seeking EPA registration, a 494% increase in new establishments requiring compliance oversight and monitoring. In October 2020 alone there was a 612% increase in new pesticide antimicrobial producing establishment registrations compared to the historical average. EPA and its partner agencies continue to work together to identify and stop unregistered, illegal antimicrobial products under federal pesticide laws. In many cases the safety and efficacy of these items, making public health claims against viruses, have not been evaluated.

The regional EPA Offices are substantially involved in the implementation of state, tribal and territory pesticide programs. Regional project officers will negotiate work plans, monitor the progress of work plan commitments, and provide fiduciary oversight. OECA uses the FIFRA Pesticide Dashboard on the Enforcement Compliance and History Online website to visualize some of the cooperative agreement metrics and data reported to EPA by our grantees.

- **Categorical Grant: Toxic Substances Compliance (\$10.1 M non-pay), Lead: OECA**

The Toxic Substances Compliance Monitoring grant program creates environmental partnerships with states and tribes to strengthen their ability to address environmental and public health threats from toxic substances while helping to deliver environmental justice for overburdened and marginalized communities across the country. These state grants are used to fund compliance monitoring programs to prevent or eliminate unreasonable risks to health or the environment associated with chemical substances such as asbestos, lead-based paint, and polychlorinated biphenyls (PCBs). They encourage states to establish their own compliance and enforcement programs for the asbestos (waiver) program and the three lead-based paint (Renovation, Repair, & Painting Rule (RRP), 402a, & 406b) programs. For states with asbestos waiver or lead-based paint programs, these grants also fund enforcement activities.

Additional resources would allow those partners already benefiting from these grants, increased opportunities to prevent or remove harmful chemical substances from their communities, preventing thousands of possible illnesses and deaths. These funds would also create new funding opportunities to those partners without the three TSCA compliance programs. Throughout the US, there are millions of homes containing harmful materials, especially in older homes in underserved and disadvantaged communities. The maintenance and expansion of these programs are imperative to continue to address these vital health concerns. As an example, only 14 states have an authorized compliance and enforcement RRP lead-based paint program. Many other states are actively working towards their RRP authorization. With these additional resources, we can increase the number of new authorized state programs as well as

ensure that those states who are already authorized can continue to work to improve circumstances without a decrease in funding.

In 2021 the OECA TSCA STAG funded 100 individual state programs. This includes 23 asbestos programs, 8 PCB programs, and 69 lead-based paint programs. With increased funding, there is the potential to fund up to an additional 150 programs.

The regional Project Officer (PO) conducts oversight of state program (grant) activities as it relates to the TSCA compliance monitoring grant. Oversight includes monitoring state and tribal compliance with the programmatic terms and conditions of the grant, reviewing mid-year and end-of-year reports, ensuring that the grant is being carried out as originally outlined in the workplan, monitoring progress toward the goals of the workplan, and ensuring the grants funds are being expended properly. It must be explicit in the award agreement that the state or tribe commits to expend the funds as specifically set forth in the agreement and account for the funds awarded.

All recipients of OECA TSCA grants must submit Mid-Year and End-of-Year reports to the regional office that awarded the grant. The reports must contain an accounting of the funds expended during the period and, at a minimum, include a narrative describing program highlights, including outputs and outcomes and a narrative describing problems encountered during the reporting period and what is being done to resolve problems that remain unresolved at the end of the reporting period.

For each state fiscal year, the regions must submit to OECA-OC HQ staff an electronic copy of the state submitted End-of-Year Report funded through the Toxics Substances Compliance Monitoring Grant program. The regional office must evaluate the state's performance under the grant, outline any concerns that the region may have with that state, and include the projected and actual number of inspections for each funded program.

EPA is requesting \$10.1 million to provide funding for compliance monitoring grants to states and tribes under TSCA to conduct inspections to ensure compliance with the Asbestos-in-Schools requirements (inspections at charter schools, public schools, private, non-profit schools, and religious schools), the Model Accreditation Plan (MAP), Asbestos Ban and Phase Out Rule, the TSCA Asbestos Worker Protection Rule, lead-based paint regulations (Renovation, Repair, & Painting Rule (RRP), 402a, & 406b), and PCB regulations.

For all three TSCA programs, these funds could be used to conduct compliance monitoring activities, and where appropriate, enforcement for the asbestos waiver and lead-based paint programs; train inspectors, including train-the-trainer courses; provide equipment to inspectors, including sampling and personal protective equipment; fund travel and salary costs associated with conducting inspections; and purchase hardware and software to support inspection activities.

Funds awarded for state and tribal asbestos grants can be used to:

- Conduct inspections and compliance monitoring activities.
- Enforce non-compliance with appropriate enforcement response, as necessary.
- Ensure that state inspectors using EPA credentials meet the minimum training standards.
- Apply for the waiver program.
- Acquire and/or update existing technology for use in compliance and enforcement activities, including data management systems and reporting.
- Carry out other compliance and enforcement activities as set forth, with particularity, in the grant workplan.

Funds awarded for state and tribal lead-based paint grants can be used to:

- Partner with state, city, county, and local government code enforcement, building permit programs, and state health departments to conduct joint inspections.
- Partner with state and county health departments and health care providers to identify lead “hot spots,” individual pre-1978 housing, and areas with children under six.
- Partner with Occupational Safety and Health Administration (OSHA) or the state OSHA to conduct joint inspections.
- Acquire and/or update existing technology that can be utilized to identify “hot spots” by evaluating existing data on Elevated Blood Lead Levels (EBLLs). The technology can be used in compliance and enforcement activities by tracking the total number of tips-and-complaints received, and the different types of inspections and compliance assistance accomplished.
- Carry out other compliance and enforcement activities as set forth in the grant workplan.

Funds awarded for state and tribal PCB grants can be used to:

- Inspect and monitor for compliance with 40 CFR Part 761.
- Gather information concerning improperly or un-manifested PCB waste.
- Acquire and/or update existing technology for use in compliance and enforcement activities.
- Carry out other compliance activities as set forth in the grant workplan.

OITA (\$25 M non-pay)

- **Categorical Grant: Tribal General Assistance Grant (\$25 M non-pay), Lead: OITA**

This \$25 M strategic investment in the Indian Environmental General Assistance Program (GAP) is essential to help address the long-standing environmental inequities in Indian country. GAP funding is used by tribal governments to build environmental capacities, including capacity to administer EPA program, as well as support solid and hazardous waste implementation activities. In some instances, GAP is the only EPA environmental funding tribes receive.

Although GAP funding is an integral, consistent resource to more than 500 federally recognized tribes for planning, establishing, and participating in environmental programs, funding for GAP has been stagnant for more than a decade. With this support, EPA will provide additional funding to tribal governments to address underfunded tribal environmental programs and target resources toward other tribal and Administration priority areas, including tribal participation in climate adaptation planning, enhanced direct implementation collaboration, and leveraging resources to support tribal environmental infrastructure investments. This significant investment would bring GAP Grants to an annual request of over \$100M dollars, potentially doubling the average dollar amount of GAP grants awarded in 2000.

The priorities of the GAP align with the Agency's proposed strategic plan and the Administration's priorities, including EPA's Equity Plan and Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*. Results will be measured and tracked using OITA's GAP performance management system to be completed in FY 2022.

Additional GAP funding will support tribal self-governance and community-driven approaches that are consistent with revised GAP Guidance (projected to be completed by end of FY 2022) and enhance tribal governments' capacity to participate in EPA environmental programs through meaningful involvement and/or program delegation, including tribal priority activities that address the unique and diverse challenges in Indian country. This includes partnering with tribes to address climate change impacts, leverage infrastructure support, and actively participate in collaborative direct implementation efforts. For example, GAP supports tribal capacity development through financial assistance to approximately 525 tribal governments and intertribal consortia and helped tribes receive 97 program delegations to administer a variety of programs across relevant EPA statutes, including the Clean Water Act, Safe Drinking Water Act, and the Clean Air Act.

OLEM (\$32.1 M non-pay)

- **Categorical Grant: Hazardous Waste Assistance (\$3.8 M non-pay), Lead: OLEM**
The Hazardous Waste Financial Assistance Grants help states implement the Resource Conservation and Recovery Act (RCRA). Through RCRA, EPA and states protect human health and the environment by minimizing waste generation, preventing the release of millions of tons of hazardous wastes, and cleaning up land and water. Authorized states conduct the direct implementation of permitting, corrective action, and enforcement components of the RCRA Hazardous Waste Management Program. EPA directly implements the RCRA Program in the states of Iowa and Alaska, and in Indian Country. We also provide project specific small grants to tribes selected through a competitive process. Ensuring appropriate and protective hazardous waste management and cleanup are essential to the Administration's priority for environmental justice. Improper waste management in disadvantaged communities spurred the original environmental justice movement. The Biden administration has put a strong emphasis on meaningful interaction with affected communities and taking bold action to be protective and responsive to community needs. These additional resources

will enable states and tribes to meet the greater demands that this important effort will require.

- **Categorical Grant: Brownfields (\$28.4 M non-pay), Lead: OLEM**

The Brownfields Program provides states and tribal nations with critical financial and technical assistance resources to build their brownfields response programs. Unlike many other EPA cleanup programs, states and tribal nations are responsible for developing brownfields cleanup standards and policy and conducting or overseeing the assessment and cleanup of brownfield sites within their jurisdictions. This increase will help communities across the country who rely on our strong partnerships with states and tribal nations to ensure brownfield sites are safely assessed, cleaned up, and reused.

OMS (\$5.4 M non-pay)

- **Categorical Grant: Environmental Information (\$5.4 M non-pay), Lead: OMS**

Funding levels for the Environmental Information Network (EIN) Grant Program open to tribes, territories, and states, have remained stagnant at approximately \$9.55 million a year, with \$8 million of the total available for competitive grants ranging between \$200,000-400,000. Ten percent of the \$8 million is set aside for Tribal partners, however, over the last five years EPA has awarded between 20-33% to Tribal partners through the Exchange Network (EN) competitive grant solicitation. In addition, the

Agency provides \$300,000 a year to an EN tribal cooperative agreement with focus on mentoring, training, and technical information exchange on data and IT management, as well as outreach to increase tribal participation in the EN. Tribes and territories are often understaffed, under-resourced, and lack the capacity to take on development of data and IT management infrastructure related to environmental media. This over target proposal will establish a set-aside of \$5.4 million within the EIN Grant program and will focus on Tribal and territorial grantees to build capacity with funding assistance, training, and mentoring. This will support activities such as teaching basic data and IT management skills and mentoring first-time applicants on how to successfully implement IT and data efforts funded through the grant program. EPA estimates between an additional 15 to 17 Tribal and territorial EIN grants will be awarded with these increased resources, for a total of 26 to 38 tribal and territorial grants including base resources. EPA estimates that the increased funding will also be used to increase the number of data academy sessions offered through the EN Tribal Cooperative agreement by 2 a year, the webinars offered to 6 annually, and the number of TXG individual mentoring sessions by 5. This investment directly supports Environmental Justice efforts as well as the EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy) and EO 13985 on Advancing Racial Equality and Support for Underserved Communities through the Federal Government.

This program supports Cross-Agency Strategy 4: Strengthen Tribal, State, and Local Partnerships and Enhance Engagement. Success will be measured by: (1) Increased Tribal and territorial applications for annual competitive grants; (2) Increased number

of tribes taking advantage of individual mentoring through the EN competitive grant program and the TXG vehicles; and (3) Increased numbers of tribal and territorial participation engaged in webinars, training, and annual conferences related to data and IT management and analytical skills to build foundational skills for larger numbers of interested tribal staff; provided through the EN Tribal and ECOS Cooperative Agreement.

These results will be fostered through webinars, story maps outlining tribal success stories, and ongoing tribal/territorial listening sessions. OMS will conduct targeted outreach with our National Program Office, Regional Direct Implementation, and cooperative agreement partners to determine training needs for data management, sharing, and analytical capacity as well as expanding knowledge regarding benefits for applying for EN grants and taking advantage of training and mentoring conducted through the EN Tribal and ECOS cooperative agreements. Two offices, including EPA's new Office of Environmental Justice, will work with ECOS to conduct outreach to territories and determine training and mentoring needs.

Use of these funds will increase and enhance tribal capacity enabling them to effectively manage their natural resources and environmental programs and will result in greater protection of the environment and human health. These funds will potentially result in cost avoidance related to resources related to building and managing environmental program due to the ability to reuse tools and services previously developed by EN partners and to take advantage of mentoring resources available through the EN program. Increased capacity to participate in the EN will also increase the amount and quality of environmental data provided to EPA that will assist Diversity and Inclusion (DI) programs target implementation actions most beneficial to the tribal community they serve.

Tribal engagement and participation in EN efforts has significantly increased over the past few years with tribes taking leadership roles in EN governance and advisory groups through partnership groups such as the EE/EN Interoperability and Operability Team (IOT) and the Tribal EN Group (TXG). In 2018, the TXG conducted a data and IT requirements survey, with over 140 tribes responding, which has served as the framework for their 5-year strategic plan with goals emphasizing building tribal data and IT management capabilities through training/mentoring efforts and increased capacity building grant in these arenas. As a result, tribes have requested greater EN program administration support, comparable to what states receive. EPA's FY 2021 stakeholder sessions in support of developing a Tribal Program 5-year Strategic Plan have re-enforced the tribal needs identified in 2018 TXG survey. Given the continuing growth in tribal participation in the EN and the expansion of rural broadband through the American Broadband Initiative, EPA anticipates many more tribes will engage in data management and electronic reporting and, consequently, expanded interest in tribal participation in the EN. In response to this need, EPA will need to dedicate additional resources for program administration support to increase tribal engagement in the EN. These resources will support strategic planning and developing implementation approaches for tribes to participate in the EN, build data management and technical

capacity, and enable the EN Grant Program to measure the effectiveness of these approaches to meet this goal. This will help to support the EO and emphasize EJ to revitalize underserved communities. The EPA will leverage tribal and EJ efforts held by internal offices as well as our cooperative agreement partners from the Institute of Tribal Environmental Professionals and ECOS and associated tribal advisory groups.

Enacted resources for the EIN grant program have remained flat over many years, however, the FY 2022 President's Budget requested a nominal increase over the FY 2021 Enacted Budget for the program. In FY 2020, the EIN grant program completed its 20th year of awarding EIN grants with over \$236 M in grants awarded to all 50 states, 81 tribes, and 5 territories.

OW (\$81.4 M non-pay)

- **Categorical Grants (\$81.4 M non-pay), Lead: OW**

EPA relies on strong partnerships with its state and tribal co-regulators to deliver critical services and play a key role as force multipliers for the Agency's mission and work. The Agency's categorical grants are essential tools in leveraging the relationships, expertise, and capacity of these partners. Categorical grants help funds core state water programs to help ensure that resource constraints do not contribute to water quality concerns in local communities. Increased funding will support state and tribal efforts to understand and mitigate the impacts of climate change and support drinking water and water pollution control programs that advance equity and address environmental justice concerns. This additional funding leverages the FY 2022 President's Budget to provide increased support for to states and tribes that need it.

Over the last decade, funding for the categorical grant program has remained relatively flat while costs across the country have risen. This investment recognizes the input of the Environmental Council of States and the National Tribal Caucus to increase categorical grant funding. This investment signals EPA's strong continued support for partners and a commitment to restore capacity that has been lost by our partners because of expanding demands and shrinking resources.

States and tribes will use the additional funds to support core water programs. This increase will support state and tribal efforts to understand and mitigate climate change and support equity and environmental justice. After receiving the funds, EPA would be able to get the grants out to states and tribes quickly because these are existing grant programs.

Section 106: The Section 106 Program funds state, interstate and tribal water pollution control programs and is a critical funding source to establish, expand, and implement water quality programs to protect and restore water resources, including rivers, streams, lakes, wetlands, and groundwater. Over the last 10 years, the program has seen a decline in funds and an increase in challenges faced by states and tribes such as severe weather events, fires, and harmful algal blooms. An increase in funding will result in restoring lost capacity through hiring and training of water quality staff, expanding program

activities such as ambient water quality monitoring and assessment, WQS and TMDL implementation and permitting and enforcement, and protecting water resources. Additional Section 106 funds will be used to: expand surface water quality monitoring, develop numeric nutrient water quality standard, and conduct triennial reviews, develop and implementing total maximum daily loads, address permitting needs, including permit backlogs, and conduct compliance and enforcement activities. Tribes will use the additional Section 106 funds to implement programs using the revised CWA Section 106 Tribal guidance to: develop and strengthen capacity, hire, and train staff, expand water quality monitoring, strengthen water quality assessments and electronic reporting, expand participation in the ATTAINS pilot, and expand CWA program authorities.

Section 319: Grants under Section 319 are provided to states, territories, and tribes to help them implement their EPA-approved Nonpoint Source Management Programs by remediating past nonpoint source pollution and preventing or minimizing new nonpoint source pollution. Implementation of watershed-based plans helps states achieve load reductions contained in Total Maximum Daily Loads to achieve water quality standards. The additional Section 319 grants will allow states, territories, and tribes to increase their support for technical assistance, financial assistance, education, training, technology transfer, demonstration projects and monitoring to assess the success of specific nonpoint source implementation projects.

PWSS: The Public Water System Supervision (PWSS) Program provides grants to states and tribes with primary enforcement authority (primacy) to implement and enforce the National Primary Drinking Water Regulations (NPDWRs) under the Safe Drinking Water Act. The NPDWRs set forth health-based standards, monitoring, reporting, sanitary surveys, and enforcement elements to ensure that the Nation's drinking water supplies do not pose adverse health risks. Additional PWSS funds will allow primacy agencies to fund drinking water program personnel who provide training and technical assistance to owners and operators of public water systems, conduct sanitary surveys, train, and certify public water system operators, management public water system data, ensure that public water systems conduct required public notifications to consumers, and respond to violations and issue enforcement actions.

Wetlands Grants: The Wetlands Program Development Grants Program assists states, tribes, and local governments with building or enhancing their wetland protection and restoration programs. Program grants are used to develop new or refine existing state and tribal wetland programs in one or more of the following areas: 1) monitoring and assessment; 2) voluntary restoration and protection; 3) regulatory programs, including Clean Water Act (CWA) Section 401 certification and Section 404 assumption; and 4) wetland water quality standards. With additional funding for the Wetlands Program Development grants will increase the support the number of projects that promote the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to causes, effects, extent, prevent, reduction and elimination of water pollution.

30. Support for Action on PFAS (\$15.95 M non-pay and 10 FTE), Lead: OW and Region 1

PFAS is an urgent public health and environmental threat facing communities across the United States, with significant equity and Environmental Justice implications. While these compounds have for decades played an important and beneficial role to many areas of society, the nation is now realizing the negative consequences of their widespread use. Today, PFAS can be found in surface water, groundwater, soil, and air across the country – from remote rural areas to densely-populated urban centers. An ever-increasing body of scientific evidence shows that exposure at certain levels to specific compounds can cause severe health impacts on humans and other organisms. Contamination and adverse health effects connected to PFAS disproportionately impact communities of color, low-income communities, and vulnerable populations (including pregnant women, children, and the elderly). Currently, a patchwork of state actions and regulations is inadequate and unable to develop the science and regulatory frameworks necessary to address this problem.

PFAS Executive Council

EPA has created a cross-agency Executive Council on PFAS to coordinate and accelerate the Agency's – and other Federal partners' – efforts to develop a whole-of-government response to this public health crisis. The Council is currently developing a strategic roadmap and identifying urgently needed Federal actions to undertake within the next five years. This proposed increase in funding will support a whole-of-agency approach to confront the public health and ecological risks of PFAS with concrete actions that increase our understanding of these chemicals, prevent them from entering the environment, and clean up contaminated areas where they pose risks to human and ecological health.

Communities/Facilities Affected by PFAS Contamination

- The most effective and immediate way to provide value to communities affected by PFAS contamination is to provide alternative/treatment of water supplies and expedite cleanup.
- While the EPA determines how we will address a range of issues on PFAS, federal facilities (e.g., military bases and Department of Energy sites) are starting to take action at their PFAS sites.
- As the federal facilities conduct their work, EPA's Federal Facility program is statutorily required to oversee the work.
- In Region 10 alone, at the end of FY 2020, the Air Force initiated six remedial investigations (RI), with more coming online in the years to come. This requires EPA to dedicate already stretched staff to this work.
- With RIs taking an average of eight years to complete, the staffing shortage will be compounded as more sites come online.
- Without additional investment, EPA will struggle to keep pace with current and projected work, creating a bottleneck in the process and delaying the cleanup of PFAS.

Drinking and Surface Water - \$6.948 M / 4 FTE

In FY 2023 EPA will publish the draft PFOA and PFOS National Primary Drinking Water Regulation for public comment, engage stakeholders, respond to public comments, conduct additional analyses (if needed) in response to public comments, revise support documents and publish final regulation. Additionally, EPA will begin PFAS monitoring under Unregulated Contaminant Monitoring Rule and conduct occurrence analyses. Most of the FY 2023 request for funding is to fill the resource gap resultant of the expanded scope of the monitoring program. Additionally, EPA will release a national recommended water quality criteria for PFOA and PFOS.

The additional funding will support the following activities:

- Coordinating research and other activities necessary to develop tools to regulate PFAS in classes and sub-classes, including expanded testing and methods development.
- Will facilitate EPA implementation of the Executive Council on PFAS' Roadmap that is currently under development.
- Coordinating with other Federal agencies with significant equities in PFAS-related issues to leverage funds and align actions for maximum impacts. Other key agencies include the Department of Defense, Department of Transportation (FAA), and HHS (CDC, FDA, and others). EPA will lead initial discussions on cross-government PFAS Roadmap actions in early FY2022.
- Publishing the draft PFOA and PFOS National Primary Drinking Water Regulation for public comment, engage stakeholders, develop response to public comment document, conduct additional analyses (if needed) in response to public comments, revise support documents and publish final regulation.
- Begin PFAS monitoring under Unregulated Contaminant Monitoring Rule and conduct occurrence analyses.
- Perform a resource gap resultant of the expanded scope of the monitoring program.
- Initiate fish collection for the 2023-24 national rivers and streams assessment will be analyzed for 40 PFAS.
- Complete the detailed studies for industrial categories identified in the preliminary plan 15.
- Begin work on one or more rulemakings to revise existing Effluent Limitation Guidelines to control PFAS discharges from industrial point sources.
- The funds will also support additional administrative work related to targeted action on PFAS implementation of the Infrastructure Investment and Jobs Act, that is not covered by funding provided in the bill.

Land - \$3.0 M / 3 FTE

- 3 FTE and \$3M will be of immediate benefit to communities by keeping PFAS cleanup on pace. These resources would be used in a work share or matrix manner to provide support and relief to high priority sites where an influx of resources will provide the biggest benefit, then pivot to other sites and regions.

- Both FTE and extramural resources would be focused on deploying technical assistance in specialized disciplines of greatest demand (including hydrogeology, risk assessment and geographic information systems). Specific support and site engagements will be coordinated back with EPA headquarters national program to develop a set of best practices that will lead to awareness and improvements at many other sites. This will serve as a force multiplier for this resource investment.
- Without a significant FY 2023 investment, EPA will fall further behind in its statutorily mandated oversight responsibilities, become a significant process bottleneck and further slow PFAS cleanups needed to protect human health and the environment. DoD has testified to Congress about these same concerns. Many Federal Facility PFAS cleanups are in disproportionately impacted communities that may have environmental justice concerns, and it is imperative that cleanups not be slowed due to EPA's insufficient Federal cleanup oversight resources.
- This proposed investment is a down payment on the gap between EPA's available resources and what is needed to fulfill the Agency's statutory role in a manner that keeps pace with aggressive DoD schedules aligned with Administration and Congressional priorities.

Enforcement - \$3.0 M/ 3 FTE

- EPA will utilize these resources to investigate and address releases of PFAS to the air, land, and water by actively investigating and pursuing civil enforcement under RCRA, TSCA, CWA, SDWA and CERCLA at the yet-unknown number of processing facilities and waste disposal facilities where PFAS are likely contaminating various environmental media. These resources will also be used to develop enforcement cases under CERCLA and RCRA to require responsible parties to investigate and clean up PFAS contamination. Funds will support civil litigation, issuance of information requests and administrative orders, and entering into agreements ensuring that the parties responsible for the contamination pay for the cleanup.
- These resources will also assist dispute resolution and case development against Federal agencies responsible for PFAS contamination in preparation of disputes, stipulated penalties assessment, and issuance of administrative orders including imminent and substantial endangerment orders under CWA, SDWA, RCRA or CERCLA (e.g., at federal facility sites on the NPL under federal facility agreements).
- Funds will be used to continue operation and development of the PFAS Analytic Tools, a data integration platform currently used by EPA and states to analyze national PFAS data sets. The funding will provide enhancements including making the information more available to the public, including EJ communities.

Research - \$3.0 M

EPA's Executive Council on PFAS has developed a cross-agency PFAS Roadmap and is finalizing a series of actions to conduct extensive research and to leverage existing and recommend new authorities to restrict and remediate PFAS contamination. The Council is in

the process of finalizing near-term and long-term actions for each fiscal year through 2025 to achieve these goals and will begin consultation with federal agencies in Fall 2021 with anticipated publication of the plan in late 2021. Developing metrics and tracking impact is a key priority for this roadmap and the Council. Additional resources would provide critical infrastructure to coordinate the Roadmap's actions, ensure that it stays on track to undertake the identified actions, and measure their impact. From a broad perspective, EPA's research will provide the science needed for EPA's implementation of its regulatory authorities, as well as non-regulatory activities.

All of the activities listed will directly support the relative FY 2022-2026 Strategic Plan Objectives.

Research efforts will be focused on advancing the EPA PFAS Roadmap and implementing key actions associated with the goals in the Roadmap. From a broad perspective, research will provide the science needed for EPA's implementation of its regulatory authorities, as well as non-regulatory activities. Efforts will:

- Accelerate EPA's efforts to address PFAS using approaches based on PFAS groups or categories, including both Hazard-Based and Technology-Based groupings.
 - Evaluate, verify, and document PFAS groups addressed by different removal technologies.
 - Conduct toxicity testing to develop hazard-based groups and support read-across efforts to predict toxicity within established groups.
- Enhance the integration and use of data to inform EPA actions.
 - Utilize existing geospatial tools in OECA (PFAS Analytic Tool) and ORD (GeoPFAS) to integrate data from within and outside of EPA to help identify data gaps and to target EPA actions.
 - Develop a database that integrates data on individual PFAS from a wide variety of information sources, including data on chemical/biological/physical properties, sources, manufacturing/industrial/consumer uses, occurrence in the environment, and removal technology.

The priority actions outlined in this proposal include aggressive schedules across multiple OW programs (drinking water, surface water, biosolids, fish tissue monitoring). With currently limited resources, both in terms of FTE and extramural funds, this reduces options for internal priority shifts (that is, meeting concurrent goals does not lend itself to shifting resources from one goal area to another).

In order to overcome this challenge, EPA has already shifted resources from other high priority actions to implement the CWA and the SDWA actions for PFAS. Funds have been shifted to support the drinking water regulatory determination for PFOA and PFOS, finalize the GenX chemicals toxicity assessment, develop a risk assessment for PFOA and PFOS in biosolids, and develop draft aquatic life criteria for PFOA and PFOS.

This investment also will need to be sustained over time. EPA Superfund Federal Facilities resources, both FTE and extramural funds, were drawn down beginning in FY 2011 ahead of

a then-unknown PFAS response action program that will take decades and billions of appropriated funds to DoD and other agencies to address.

Based on information gathered by EPA, DoD will initiate approximately 20 new RI/FS's in FY 2023 and each year through FY 2025, with additional RI/FS's initiated even after FY 2025. The 'snowballing' of workload adds an even greater stress point on EPA's resources. EPA must keep pace with increasing workload for its statutory role and meeting Administration commitments to addressing PFAS in communities including those with environmental justice concerns, or risk becoming the bottleneck to progress at these sites. Resource constraints also limit EPA's ability to provide technical assistance to states where they are lead regulators over DoD's PFAS response action sites.

Knowledge developed for Federal Facilities will be leveraged by EPA to aid other PFAS cleanups as they are identified to facilitate faster and more efficient cleanups.

This project also includes litigation and scientific risks. PFAS is still an emerging environmental concern, which means there are novel legal issues that will need to be addressed when developing and executing an enforcement action. Also, the potentially responsible parties are likely to challenge some of EPA's requests and/or requirements. In addition, as an emerging environmental issue, the scientific foundation (e.g., toxicology, risks levels, sampling methods, and cleanup standards) for understanding PFAS contamination and appropriate cleanup is still under development.

The litigation risks are mitigated by the fact that the case law, legal understanding, and regulations surrounding this issue are all rapidly taking shape. The Agency will continue to ensure that it closely tracks these developments and advance strong legal positions, in coordination with DOJ and states. In terms of scientific risks, EPA and other public and private research bodies are rapidly contributing to the scientific understanding of PFAS. This understanding can be used to develop effective enforcement cases. While additional information and methods that could strengthen such cases are in active development and can likely be used in the near future, there is still much to research and understand regarding this class of chemicals. EPA is constantly tracking these developments and closely coordinating with the Office of Research and Development.

Focus Area: Restoration of Offsets

(Total: \$90.3 M)

31. Superfund Remedial Offset Partial Restoration (\$90.3 M non-pay), Lead: OLEM

The Superfund Remedial program was reduced in the base budget to achieve OMB's reduced target for EPA, recognizing the potential for historic investment in the program in the Bipartisan Infrastructure Bill to continue progress. However, the need across America to clean-up the more than 1,300 sites on the National Priority List will take more resources. An investment of nearly \$100 million in the Superfund Remedial program in FY 2023 will allow

EPA to start approximately 5-10 new remedial construction projects and continue critical pre-construction work such as site characterization, construction design, and community outreach activities. Over 50% of the projects that will receive this funding support the cleanup and redevelopment of disadvantaged communities.

Accelerating remedial construction projects supports the goals of the Agency to protect communities negatively impacted by hazardous waste contamination, such as lead contamination in soils, while also enhancing economic recovery through reuse of remediated properties. Previous research indicates that approximately 22 percent of the U.S. population lives within three miles of a Superfund site, and this population is predominantly minority, low income, linguistically isolated, and less likely to have a high school education than the U.S. population as a whole. For Superfund lead sites, 18 percent of the population is below poverty level, 15 percent is without a high school degree, and 51 percent of the population is minority. Recent research indicates that Superfund cleanup lowered the risk of elevated blood lead levels by roughly 13 to 26 percent for children living within two kilometers of a Superfund NPL site where lead is a contaminant of concern. Superfund projects directly benefit these marginalized and overburdened communities by removing or mitigating exposure to harmful substances and remediating contaminated land for reuse.

Additionally, remedial construction projects funded by EPA drive economic benefits across our communities. In FY 2020, businesses tracked by the program generated an estimated \$63.3 billion in sales and employed more than 227,000 people who earned a combined income of over \$16 billion.

The Superfund Remedial program tracks three key performance measures to monitor results of investment.

- Human Exposures Under Control (HEUC), an environmental indicator documents long-term human health protection on a sitewide basis by measuring the progress achieved in controlling unacceptable human exposures to contamination. In FY 2023 HEUC will become the Long-Term Priority Goal (LTPG) for the Remedial program.
- Remedial Action Project Completions (RAPC), which demonstrates progress in reducing risk to human health and the environment, since multiple Remedial Action (RA) projects may be necessary prior to achieving sitewide construction completion.
- Site-wide Ready for Anticipated Use (SWRAU), which tracks EPA's progress in cleaning up and preparing Superfund sites for reuse, while ensuring human health and environmental protection.

FY 2023 EPA Over Target Request - Summary Chart

Activity	Fund	NPM	Program Project	Total (\$K)	FTE
Focus Area: Support for Communities to Tackle the Climate Crisis and Advance Environmental Justice					
1. OAR Climate and EJ Grants	EPM	OAR	Climate Protection	\$51,750	10.0
	Subtotal			\$51,750	10.0
2. Support for Climate Adaptation and Resiliency	EPM	OA	Integrated Environmental Strategies	\$91,175	81.0
	Subtotal			\$91,175	81.0
3. Wildfire Prevention and Readiness	EPM	OAR	Federal Support for Air Quality Management	\$7,588	6.0
	EPM	OAR	Reduce Risks from Indoor Air	\$500	0.0
	S&T	ORD	Research: Air, Climate and Energy	\$4,660	9.7
	Subtotal			\$12,748	15.7
4. Water Workforce Corps	EPM	OW	Surface Water Protection	\$4,690	4.0
	STAG Special Programs	OW	Water Infrastructure and Workforce Investment	\$26,000	0.0
	Subtotal			\$30,690	4.0
5. OCSPP Risk Evaluation of PCB Exposure at Regional Sites	EPM	OCSPP	Toxic Substances: Chemical Risk Review & Reduction	\$3,260	15.0
	STAG Cat Grants	OCSPP	Toxic Substances: Chemical Risk Review & Reduction	\$1,000	0.0
	Subtotal			\$4,260	15.0
6. Increasing Protection of Fenceline Communities	EPM	OECA	Civil Enforcement	\$635	3.0
	EPM	OLEM	LUST / UST	\$820	4.0
	EPM	OLEM	State and Local Prevention and Preparedness	\$4,033	15.0
	Inland Oil Spills	OLEM	Oil Spill: Prevention, Preparedness and Response	\$1,575	7.5
	LUST	OLEM	LUST Prevention	\$1,300	0.0
	S&T	ORD	Research: Sustainable and Healthy Communities	\$463	1.5
	Superfund	OLEM	Homeland Security: Preparedness & Response	\$150	0.0
	Subtotal			\$8,976	31.0
	EPM	OAR	Indoor Air: Radon Program	\$1,781	3.4
	EPM	OAR	Reduce Risks from Indoor Air	\$8,936	20.9

7. Core Indoor Air Quality Gaps	STAG Cat Grants	OAR	Categorical Grant: Radon	\$3,536	0.0
	Subtotal			\$14,253	24.3
8. Coordinated Community Assistance	EPM	OEJ	Environmental Justice	\$52,200	100.0
	New Cross-Media Community Coordinators Subtotal			\$52,200	100.0
	STAG Cat Grants	OW	Categorical Grant: Pollution Control (Sec. 106)	\$2,933	0.0
	EPM	OW	Drinking Water Programs	\$4,089	10.0
	EPM	OW	Surface Water Protection	\$5,667	23.7
	STAG Cat Grants	OW	Categorical Grant: Nonpoint Source (Sec. 319)	\$13,358	0.8
	One Water/ One Community Subtotal			\$26,047	34.5
	EPM	OW	Surface Water Protection	\$5,088	0.5
	EPM	OW	Drinking Water Programs	\$5,087	0.5
	Environmental Finance Centers Subtotal			\$10,175	1.0
	EPM	OECA	Compliance Monitoring	\$6,350	2.0
	OECA Circuit Riders Subtotal			\$6,350	2.0
	EPM	OCSPP	Pesticides: Protect Human Health from Pest. Risk	\$10,063	10.0
	STAG Cat Grants	OCSPP	Categorical Grant: Pesticides Program	\$9,687	0.0
	OCSPP Circuit Riders / Worker Safety Subtotal			\$19,750	10.0
	Subtotal			\$114,522	147.5
Focus Area Subtotal			\$328,374	328.5	
Focus Area: Building Equity Across the EPA's Mission					
9. Advancing Cumulative Risk and Methodologies	EPM	OAR	Federal Support for Air Quality Management	\$2,525	3.0
	EPM	OCSPP	Toxic Substances: Chemical Risk Review & Reduction	\$2,525	3.0
	EPM	OGC	Legal Advice: Environmental Program	\$2,525	3.0
	EPM	OW	Drinking Water Programs	\$2,525	3.0
	S&T	ORD	Homeland Security: Preparedness & Response	\$620	1.3
	S&T	ORD	Research: Air, Climate and Energy	\$3,757	6.3
	S&T	ORD	Research: Safe and Sustainable Water Resources	\$3,469	8.1
	S&T	ORD	Research: Sustainable and Healthy Communities	\$5,529	9.3
	Superfund	OLEM	Superfund: Remedial	\$2,525	3.0

			Subtotal	\$26,000	40.0
10. External Civil Rights Compliance Office	EPM	OEJ	Civil Rights Program	\$16,125	75.0
	Subtotal			\$16,125	75.0
11. Management and Administration Support for the New Environmental Justice NPM	EPM	OEJ	Environmental Justice	\$7,375	25.0
	Subtotal			\$7,375	25.0
12. Diversity, Equity and Inclusion	EPM	OMS	Human Resources Management	\$3,505	5.0
	Subtotal			\$3,505	5.0
Focus Area Subtotal				\$53,005	145.0
Focus Area: Building the EPA Back Better					
13. Restoring Core Capacity	EPM	OA	Executive Management and Operations	\$5,815	9.0
			Small Business Ombudsman	\$185	1.0
	EPM	OAR	Federal Support for Air Quality Management	\$7,300	6.0
			S&T	Federal Vehicle & Fuels Standards & Certification	\$4,700
	EPM	OCFO	Central Planning, Budgeting, and Finance	\$2,811	1.6
			Superfund	Central Planning, Budgeting, and Finance	\$689
	EPM	OCSPP	Pesticides: Protect Human Health from Pest. Risk	\$5,000	10.0
			Toxic Substances: Chemical Risk Review & Reduction	\$7,000	0.0
	EPM	OECA	Civil Enforcement	\$6,529	5.7
			Compliance Monitoring	\$5,471	4.3
	EPM	OGC	Legal Advice: Environmental Program	\$5,430	7.0
			Legal Advice: Support Program	\$570	3.0
	IG	OIG	Audits, Evaluations, and Investigations	\$4,990	8.6
	SF IG Transfer		Audits, Evaluations, and Investigations	\$1,010	1.4
	EPM	OITA	International Sources of Pollution	\$3,500	0.0
			Tribal - Capacity Building	\$8,000	10.0
			US Mexico Border	\$500	0.0
	EPM	OLEM	Brownfields	\$11,840	60.0
	Superfund		Superfund: Federal Facilities	\$10,160	0.0

	EPM	ORD	Regional Science and Technology	\$1,000	1.0
	S&T		Research: Chemical Safety for Sustainability	\$3,000	0.0
			Research: Safe and Sustainable Water Resources	\$3,000	0.0
			Research: Sustainable and Healthy Communities	\$4,000	0.0
	Superfund		Superfund: Remedial	\$1,000	1.0
	EPM	OW	Drinking Water Programs	\$7,106	3.7
			Surface Water Protection	\$4,894	6.3
	Subtotal			\$115,500	144.0
14. OMS Climate Resiliency and Sustainability	B&F	OMS	Facilities Infrastructure and Operations	\$42,830	0.0
	EPM	OMS	Facilities Infrastructure and Operations	\$4,360	15.0
	S&T	OAR	Federal Vehicle & Fuels Standards & Certification	\$10,000	0.0
	Superfund	OMS	Facilities Infrastructure and Operations	\$960	3.0
	Subtotal			\$58,150	18.0
15. Implementing the American Innovation and Manufacturing Act	EPM	OAR	Clean Air Allowance Trading Programs	\$4,944	3.3
	EPM	OAR	Climate Protection	\$42,381	20.0
	EPM	OAR	Stratospheric Ozone: Domestic Programs	\$10,520	6.7
	EPM	OECA	Civil Enforcement	\$1,868	5.8
	EPM	OECA	Compliance Monitoring	\$565	1.5
	EPM	OECA	Criminal Enforcement	\$477	1.1
	S&T	OECA	Forensics Support	\$1,069	1.3
	Superfund	OECA	Criminal Enforcement	\$85	0.2
	Superfund	OECA	Forensics Support	\$91	0.1
	Subtotal			\$62,000	40.0
16. Regional Science and Technology to Strengthen EPA Labs	EPM	ORD	Regional Science and Technology	\$6,749	5.0
	Superfund	ORD	Superfund: Remedial	\$8,801	5.0
	Subtotal			\$15,550	10.0
17. Cybersecurity	EPM	OMS	Information Security	\$9,540	4.0
	Superfund	OMS	Information Security	\$2,200	0.0
	Subtotal			\$11,740	4.0
18. Coal Combustion Residuals	EPM	OECA	Civil Enforcement	\$10,795	38.0
	EPM	OGC	Legal Advice: Environmental Program	\$2,686	14.0
	EPM	OLEM	RCRA: Waste Management	\$10,419	36.0
	Subtotal			\$23,900	88.0
19. Implementing	EPM	OA	Executive Management and Operations	\$938	4.0
	EPM	OAR	Federal Stationary Source Regulations	\$2,756	2.0
	EPM	OCFO	Central Planning, Budgeting, and Finance	\$3,472	3.0

the Evidence Act	EPM	OECA	Compliance Monitoring	\$449	1.0
	EPM	OMS	Human Resources Management	\$500	2.0
	EPM	OW	Drinking Water Programs	\$185	1.0
	S&T	OW	Drinking Water Programs	\$185	1.0
	Subtotal			\$8,485	14.0
20. Grants and Contract Officers	EPM	OMS	Acquisition Management	\$4,455	23.0
	EPM	OMS	Financial Assistance Grants / IAG Management	\$3,900	20.0
	Superfund	OMS	Acquisition Management	\$975	5.0
	Superfund	OMS	Financial Assistance Grants / IAG Management	\$975	5.0
	Subtotal			\$10,305	53.0
21. Permitting Support	EPM	OA	Brownfields	\$100	0.0
	EPM	OA	Compliance Monitoring	\$375	1.0
	EPM	OA	Integrated Environmental Strategies	\$2,850	6.0
	EPM	OA	NEPA Implementation	\$400	0.0
	EPM	OA	Regulatory/Economic-Management and Analysis	\$2,500	4.0
	EPM	OA	Small Business Ombudsman	\$375	1.0
	EPM	OEJ	Environmental Justice	\$2,900	8.0
	Subtotal			\$9,500	20.0
22. Science Advisory Board	EPM	OA	Science Advisory Board	\$400	0.0
	Subtotal			\$400	0.0
23. Municipal Water Ombudsman in OA	EPM	OA	Integrated Environmental Strategies	\$700	2.0
	Subtotal			\$700	2.0
24. EPA Paid Internship Program	EPM	OMS	Human Resources Management	\$12,750	146.0
	Superfund	OMS	Human Resources Management	\$3,000	37.0
	Subtotal			\$15,750	183.0
25. Office of Public Engagement	EPM	OA	Environmental Education	\$450	2.0
	Subtotal			\$450	2.0
26. Support for Action on Lead	EPM	OCSP	Toxic Substances: Chemical Risk Review & Reduction	\$2,000	6.0
	EPM	OW	Drinking Water Programs	\$1,000	2.0
	Superfund	OLEM	Superfund: Remedial	\$2,000	9.0
	Subtotal			\$5,000	17.0
27. Social Cost of GHGs	EPM	OA	Regulatory/Economic-Management and Analysis	\$2,350	2.0
	Subtotal			\$2,350	2.0
	EPM	OMS	Human Resources Management	\$1,440	0.0

28. SES Candidate Development Program	Superfund	OMS	Human Resources Management	\$360	0.0		
	Subtotal			\$1,800	0.0		
Focus Area Subtotal				\$341,580	597.0		
Focus Area: Support for State and Tribal Partners							
29. Categorical Grants	STAG Cat Grants	OAR	Categorical Grant: Tribal Air Quality Management	\$8,585	0.0		
			Categorical Grant: State & Local Air Quality Mgmt	\$3,500	0.0		
		OCSPP	Categorical Grant: Lead	\$15,439	0.0		
			Categorical Grant: Pesticides Program	\$7,460	0.0		
			Categorical Grant: Pollution Prevention	\$5,277	0.0		
		OECA	Categorical Grant: Pesticides Enforcement	\$5,520	0.0		
			Categorical Grant: Toxics Substances Compliance	\$10,145	0.0		
		OITA	Categorical Grant: Tribal General Assistance	\$25,000	0.0		
		OLEM	Categorical Grant: Brownfields	\$3,805	0.0		
			Categorical Grant: Hazardous Waste Assistance	\$28,368	0.0		
		OMS	Categorical Grant: Environmental Information	\$5,477	0.0		
		OW	Categorical Grant: Nonpoint Source (Sec. 319)	\$10,000	0.0		
			Categorical Grant: Pollution Control (Sec. 106)	\$15,400	0.0		
			Categorical Grant: PWSS	\$53,000	0.0		
			Categorical Grant: Wetlands Program Development	\$3,024	0.0		
		Subtotal			\$200,000	0.0	
		30. Support for Action on PFAS	EPM	OECA	Civil Enforcement	\$403	2.2
			EPM	OECA	Compliance Monitoring	\$2,976	0.0
EPM	OW		Drinking Water Programs	\$5,736	3.0		
EPM	OW		Surface Water Protection	\$1,912	1.0		
S&T	ORD		Research: Air, Climate and Energy	\$250	0.0		
S&T	ORD		Research: Chemical Safety for Sustainability	\$500	0.0		
S&T	ORD		Research: Safe and Sustainable Water Resources	\$250	0.0		
S&T	ORD		Research: Sustainable and Healthy Communities	\$2,000	0.0		
Superfund	OECA		Superfund: Enforcement	\$93	0.5		

	Superfund	OECA	Superfund: Federal Facilities Enforcement	\$56	0.3
	Superfund	OLEM	Superfund: Federal Facilities	\$3,524	3.0
			Subtotal	\$17,700	10.0
			Focus Area Subtotal	\$217,700	10.0
			Focus Area: Restoration of Offsets		
31. Offset Restoration	Superfund	OLEM	Superfund: Remedial	\$90,341	0.0
			Subtotal	\$90,341	0.0
			Focus Area Subtotal	\$90,341	0.0
			Over Target Total	\$1,031,000	1,080.5